

# AGENDA

## REGULAR COUNCIL MEETING

CITY OF GENEVA, NEW YORK

November 1, 2023

**Public Safety Building  
255 Exchange Street  
Geneva, NY 14456**

COUNCIL MEETING STARTS AT 7:00PM

Listen to the City of Geneva's YouTube Channel:

[YouTube.com/cityofgenevany](https://www.youtube.com/cityofgenevany)

**AMENDED  
November 2, 2023**

1. CALL TO ORDER – Mayor, Steve Valentino
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. PUBLIC HEARINGS
  - A. Zoning Code Update
5. PROCLAMATIONS
6. FOUNDRY UPDATE
7. SUPERVISOR UPDATE
8. CONSIDERATION OF MEETING MINUTES

*This portion of the meeting is dedicated to correction of meeting minutes for the following Council session:*

  - A. September 26, 2023 (Special Council Meeting) (Page 3)
  - B. October 4, 2023 (Regular Council Meeting) (Page 8)
  - C. October 11, 2023 (Special Council Meeting) (Page 37)
9. PUBLIC COMMENT

*This portion of the meeting is dedicated to receiving comments on any topics. The standard time limit for public comment is three (3) minutes.*
10. CITY MANAGER REPORT – *This portion of the meeting is dedicated to presentation of a report by the City Comptroller on non-action matters that have not been addressed elsewhere on the agenda.*

11. UNFINISHED BUSINESS

*This portion of the meeting is dedicated to consideration of matters that have been previously considered by City Council. These include:*

12. NEW BUSINESS

*This portion of the meeting is dedicated to consideration of matters that have not been previously considered by City Council. These include:*

- A. First Reading of Repeal and Replace Zoning Ordinance Chapter 350– David West (Page 45)
- B. First Reading of the Ordinance Amending Chapter 351-3 of the Geneva City Code – David West (Page 48)
- C. Resolution Declaring an Ordinance Amending Section 351-3 of the Geneva City Code as a Type I Action and Declaring Intent to Act as Lead Agency for Environmental Review – David West (Page 52)
- D. Resolution Scheduling a Public Hearing on the Proposed Amendment to the Geneva City Zoning Code Provision Concerning its TUDD Overlay Zone – David West (Page 53)
- E. Resolution Approving License of Land from IDA to City for Greenway Trail ADA Ramp – David West (Page 54)
- F. Resolution Approving the Annual External Audit Report and Audited Financial Statements for the City of Geneva Fiscal Year 2022 – City Comptroller (Page 67)
- G. Resolution Approving the Sale of City-Owned Property – City Comptroller (Page 69)
- H. Review of City Owned Property List – City Comptroller
- I. Resolution Authorizing City Comptroller to Collect Tax Liens – City Comptroller (Page 70)
- J. Resolution Approving the 2023 Municipal Cooperative Agreement Between the City of Geneva and the Greater Tompkins County Municipal Health Insurance Consortium; and
- K. Resolution Designating Representatives to the Tompkins County Municipal Health Insurance Consortium Board of Directors – Presented by the City Manager (Page 71)
- L. Board/ Commission Appointments

13. MAYOR AND COUNCIL REPORTS

*This portion of the meeting is dedicated to presentation of reports by the Mayor and City Councilors on non-action matters that have not been addressed elsewhere on the agenda*

14. PUBLIC COMMENT

*This portion of the meeting is dedicated to receiving comments on any topics. The standard time limit for public comment is three (3) minutes.*

15. ADJOURNMENT

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

### SPECIAL COUNCIL MEETING

September 26, 2023 – 7:00 PM

Cornell Agritech Campus, Jordan Hall  
630 W. North Street  
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

#### 1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Camera, Clr. Brimm, and Clr. Pealer

Absent: Clr. Salamendra

#### 2. PRESENTATION OF 2024 BUDGET PROPOSAL

City Manager Hendrix began by announcing that the 2024 budget presentation and budget binders presented to council tonight will be posted on the website within 24 hours and a budget public hearing will be held next week at the regular council meeting. She said when the comptroller and her began preparing the budget they kept in mind the desire to keep the tax rate the same which meant asking departments to be judicious in their spending. She said to sustain investments we must honor our commitments by continuing work on some of our biggest challenges despite a declining infrastructure, an unpredictable climate, and ongoing financial stressors for vulnerable populations. Her proposed plan recognizes that our community looks to their local government to provide the structural support for their daily lives while expecting the support of robust work with renewed and ongoing funding.

She gave a quick overview of the recommended operating budget, stating our total appropriations are at \$19,000,000, with our estimated revenues at \$10,000,000. The levy total had an increase of .87%, making it \$8,428,873, which is below the \$8,459,062 price of the property tax cap. She explained that despite it being lower there will still be a resolution at the next monthly meeting to override the tax cap in case there is anything council wants to add. There is an increase in the median price of a home, which is now \$117,500, and plays a part in why the levy has a .87% increase despite having a 0% rate change. She said the cost per resident is a new number being presented, which is \$678 based on the local census count, but gave a reminder that each of these residents range from babies to much older.

For the recommended water and sewer budgets she said the water total is \$3,537,599 which has a 6.7% rate change increase with no impact to consumers. As for sewer she said the total is \$5,263,437 with a 0.4% spending increase and again no impact to consumers.

She then provided information about the City of Geneva, based on census data, that the comptroller and herself used to take into account who they're serving. She said the 2021 medium household income was \$56,019, the median gross monthly rent was \$857, and 89.3% of our population are high school

graduates which is above the national average. As for 2022, the population in the City of Geneva was 12,432 with 18.6% being people in poverty. She felt these are key numbers to consider in acknowledging who is paying taxes and what those families look like.

The city manager went on to explain how a budget is built and the importance of looking at key economic and fiscal indicators. She said the current inflation rate is 3.67% which is much lower than the 8.26% we were at last year but still higher than the long-term average of 3.28% and even the 3.18% last month. She explained while the inflation rate is for the US, not local, it gives us a gauge and is still a key sign on how we're doing in the economy. She said as we can see there is a fluctuation but feels where we are at is a good sign.

The next slide was consumer confidence, which she defined as how comfortable or confident people are in spending their money rather than saving it. She said the consumer sentiment for the U.S. is falling a little which means people aren't spending as freely as they may have been a year ago. There are many things that come into play such as the Federal Reserve's aggressive tightening campaign which she pointed to as it has challenged the market slightly. She displayed a graph of the stock market daily count which displayed a fairly flat line which she said is a good thing. Further, she explained that over 10 years more movement would be visible, but pointed out that it has trended upward slightly this year despite staying relatively flat.

City Manager Hendrix then turned to unemployment which has declined in Ontario County from a rate of 3.1% to 2.7%. She said as for the annual average is 4.3% for NYS and 3.18% for Ontario County. She emphasized that unemployment will never reach zero because the rate includes everyone in the labor market but not all of them are seeking employment. She also pointed out that there is an annual jump in January and February for season employment.

The city manager brought up the county taxation since residents, on top of their city taxes, pay county taxes, school taxes, and sales taxes. She said the full value taxable property in Ontario County is \$10,615,724,689. She said during 2022 the county levy was \$66,436,108 with a tax rate of \$6.26/ per \$1,000 of value and the city had a \$8,339,163 city levy with a \$17.63/ per \$1,000 of value tax rate.

She said when preparing the 2024 budget the theme was sustaining investments, more than just the last 5 or 10 years. She praised the department heads, who were tasked with making many tough decisions, since they are engaged, creative and are filled with a lot of possibilities but don't have endless funds to fulfill them all. Departments were directed to create 2 budgets, one with a 12% decrease and another with a maintenance of effort. Additionally, they did a list of above requested maintenance items that they couldn't fit in but need or wish to see in the future.

The city manager said the best ways to wisely invest in the city for 2024 are found by looking at our people and infrastructure and determining how they can be moved forward. She understands that the possibilities to enhance are endless, but recognizes that we have to make tough decisions. She said another part of preparing the budget is how we align the values of the community and measure our success. She shared her budget goals which are to maintain the current tax rate, invest in the future while building from the past, and maintaining services. She said to maintain the current tax rate we may not be able provide all the same services that we currently provide. She wants to balance investing in the future while building from the past rather than shutting the door on it.

Her strategies were to invest in our people, ask difficult questions, identify critical needs, monitor our reserves, and maintain what we have. She knows there are residents and faculty who want to do everything but is realistic that it all can't be done in one single year. She said many of the past budgets have referred to the how services have been delayed and were reactive verses proactive. She feels we need to find a balance because when a problem arises, we must step back from being proactive in order to address the current situation. She thinks the priorities of this budget align with council's goals from last year along with the values of the city (beautification, sustainability, connections, prosperous, equitability).

Budget drivers included looking at expenditures (labor cost & unknown variables, debt, capital investments, cost increases) and revenues (sales tax, state aid, other revenue streams). Within this she discussed employees which totaled 124.25 in 2023 and now 127 full time equivalents in 2024. She said the city is negotiating four employee contract agreements and health agreements. She also said she's been committed to reviewing unrepresented employees since their annual increases have only been 2% since 2009.

City Manager Hendrix explained the total outstanding debt is \$38,842,256 which includes the general, water, and sewer fund debts and 15.85% of debt contracting has been exhausted. The grid displayed on the sideshow only referred to the general fund debt and she explained that the years without an amount indicate that the payment hadn't started or it's been dropped off.

She said capital planning for 2024 and 2025 are a big part of the budget and they are the large projects that usually go to band or bond. The grid, which goes out further in the budget book than the slideshow, are showing where our large capital projects are going. She explained the DPW determines the need for replacement and then based on these plans it goes into the initial band/ bond phase if the city decides the project can go forward.

The city manager acknowledged that there are increasing costs in many cases and addressed a few. She said there will be a conversation about changing health insurance providers, all of which are going up, the new being an 8% increase and the current being an 11% increase. For utilities she's predicting an 8-12% increase on all utility related costs looking forward. As for pensions, which are mandated costs, she expects between a 5-8% increase this year for the 3 different ones the city participates in.

Monthly sales tax has continued to increase in Ontario County, running above what was projected, so she believes it's likely to see additions over those projections in 4th quarter. She said some additional revenues include state and federal aid (\$2,715,113) and interest and earning (\$70,000) which she is invested in pursuing more. Additionally, outside of local tax dollars, there is culture and recreation which she said include renting of our properties for recreations and registrations for farmer's market.

Next, the city manager wanted to look at how we invest in the city. In 2024 she wants additional supports for staff and ways to better utilize them, continued partnership with BID (like weeding of downtown area), and streamlining services and more efficient processes (like implementing more automated measures such as time keeping). She said there should be a priority behind staff and community safety along with increasing meaningful community input in these city processes. She would like increased summer recreation opportunities such as expanding the pilot program for all day youth summer care. She wants to review city facilities to ensure they meet city needs, focus on training for staff, smart equipment replacement for our teams, and succession planning/ employee retention for our workplace.

City Manager Hendrix presented new or realigned positions for 2024, starting with recreating the position that serves as a project's coordinator and confidential secretary between human resources and city manager. Additionally, she recommended a community engagement coordinator to take on a multifunctional role by increasing community engagement, focusing on communication, and understanding what grant opportunities may be available. She also said a safety compliance coordinator as a pilot position could help to bring buildings up to the standards that they need to be while looking at compliance and claims. For succession planning she said she recommends an auto mechanic trainee in public works and an MEO trainee for water administration to have someone internal who understands the important pieces of those roles. Similarly, she said a buildings and grounds assistant supervisor position was previously eliminated, but she would like it back for sustainability. Many of these positions are molded from other positions that existed which is why she says there isn't a giant increase seen.

Next, the city manager addressed the unfunded positions in the 2024 budget. She said the human resources manager was instead achieved through the shared position with human resources and the city manager. She said if we did incorporate the auto mechanic trainee, we would be able to eliminate an MEO position for the DPW. As for the engineering technician the city will soon bring a junior engineer on board instead. She explained that they'd looked at bringing on a senior clerk for the planning and economic department, who would focus on grants and grant writing since the private market for grants is much more competitive. She said this now falls under the reimagined community engagement coordinator, not as a grant writer, but someone who prepares the documents and carries them through. She said in the city managers budget there was a communications coordinator to be shared with BID but the missions were very different and it was ultimately unsuccessful. Lastly, she explained within the clerk's office there was a one-time fund for a transitional role of an administrative assistant.

City Manager Hendrix explained what was not included in the budget totals over 17 million dollars after many difficult decisions. First, she displayed the total unfunded equipment, noting that some have another year next to their name indicating when they will come back up through the replacement or capital plan. She explained ones without a specific year next to them aren't planned at this time, referring to the water rescue and fire suppression boat as an example, to say it isn't that she believes its not a good investment but rather that it needs more research or conversations. Next, she displayed capital projects that are unfunded, additional unfunded expenses that are a one-time cost, and lasty on-going expenses that are unfunded. She said some things are put in for multiple years but she feels they just need to get off the ground before taxpayer dollars should be spent on it.

She wanted people to notice the safety and compliance coordinator is included under FTE's and is a 3-year pilot so it would come out of general fund as a one-time cost and wouldn't change tax levy. She also said it would be very clear how long the position is for unless council chooses to change the tax levy and maintain it as a long-term expense.

She also noted that the current city senior exemption, which is based on the total income a senior makes, has been asked to be brought closer to the county rate by many residents. She explained that while our level is higher than the county and school district, if we meet people at that level, it would be approximately half a million dollars in revenue loss.

City Manager Hendrix stated that the budget book includes a lot of general information and looks similar to ones in previous years. She said it includes the 2023 work projects from various departments with updates as well as how they do their work outside of day-to-day operations. She said these are being prepared once again and wants council to look at how we measure our progress and continue to think

about the possibilities. She stated this budget focuses on what we have without including big changes so council can think about how they want to prioritize their investments.

She said she left \$17,000,000 out of the budget that was requested, and not all departments made requests as they understood how limited the budget was. She suggested looking at what 2024 and beyond will look like since these budgets display where our values are which is why it is one of the biggest pieces of her job. Therefore, she urges council to think about what their values are, look at areas where they want to invest more, and listen to feedback from the community. She thanked staff for the work they put into the budget and the work council will do to move it forward.

Mayor Valentino thanked her and asked how residents can assess it. City Manager Hendrix said it will be available online within the next 24 hours, along with a hard copy that will be downstairs of city hall in the clerk's office.

The mayor reminded everyone that next week is the regular city council meeting and there will be a public hearing on budget and he expects people may wish to come forward. He also asked staff how they would like to receive feedback from council. The city manager said all questions council has will be sent to herself or the comptroller and put in a spreadsheet that allows them to be organized by department. She said this will allow the staff member to be there to answer questions if council desires and reassured that they can be called back if more questions arise. She feels this will streamline the process and asked council to provide questions at least 24 hours prior to the meeting, which would also allow them to be provided in advance to the staff member.

Mayor Valentino said the regular meeting, with the public hearing, will be October 4 with subsequent meeting following on October 11, 18, 25, & 31 if needed. He explained at any point throughout the month the budget can be passed but it needs to be passed by the 31st or will revert back to this budget presented tonight.

Clr. Camera said he understands what most of the projects are under capital plans but asked what is included under the "Lakefront Improvements – Phase VI." The city manager explained it would include the final pieces of the DRI, the marina, the lake tunnel and others which had been put in the initial banding document. She told him she can pull that document for him to review.

### 3. ADJOURNMENT

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm**

**MOVED THAT the meeting be adjourned at 7:49pm**

**MOTION CARRIED UNANIMOUSLY**

*Nicole Wright*

---

City Clerk

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

### REGULAR COUNCIL MEETING

October 4, 2023 – 7:00 PM

Public Safety Building  
255 Exchange Street  
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Regan, Clr. Camera, Clr. Burrall (via zoom), Clr. Pealer (arrived at 7:34pm and left at 10:38pm), Clr. Salamendra (via zoom- arrived at 7:04pm and left at 10:18pm), Clr. Gaglianese, Clr. Brimm, and Clr. Noone

2. AMENDMENTS TO THE AGENDA

**ACTION TAKEN by Clr. Burrall; seconded by Clr. Regan**

**MOVED THAT a discussion to consider setting a public hearing for the possible sale of city property on the west boundary line of 666 S. Exchange Street be added to the agenda**

**ROLL CALL VOTE: Aye – Clr. Noone, Clr. Gaglianese, Clr. Burrall, Clr. Regan, Clr. Brimm, and Clr. Camera**

**Nay – Clr. Salamendra and Mayor Valentino**

**Absent – Clr. Pealer**

**ACTION TAKEN by Mayor Valentino; seconded by Clr. Gaglianese**

**MOVED THAT a resolution declaring Geneva City Council as lead agency for environmental review of zoning update, a resolution scheduling a public hearing on the City of Geneva zoning code update, and a resolution declaring surplus equipment be added to the agenda**

**MOTION CARRIED UNANIMOUSLY (8-1 Absent)**

3. PUBLIC HEARING – 2024 Budget

Mayor Valentino opened the public hearing at 7:07

City Manager Hendrix noted a correction on the budget that was published in the newspaper. The article had used the 2022 tax rate of \$17.16 but the 2023 tax rate was actually \$17.25 which has remained flat for 2024 at \$17.25. The amount to be levied by taxes are increased slightly for 2024 from \$8,425,324 for 2023 to \$8,428,873 and the median home value for 2023 was supposed to be \$17,500. She said what was published showed a rate increase but it is actually a flat budget from 2023 to 2024.

There being no one appearing to speak, the mayor closed the public comment at 7:08pm.

4. PROCLAMATIONS

- A. NYCOM Public Service Recognition
- B. Fire Prevention Week
- C. Freedom from Workplace Bullies Week
- D. Seneca Chapter of the DAR 130<sup>th</sup> Anniversary

5. FOUNDRY UPDATE

Michael Murphy provided the Foundry update, read by the clerk, which said the following:

**Remedial Design**

- Meetings to review remedial plans were held with additional owners of properties in the last remaining block of residential properties to be cleaned up within the remedial boundary, which includes ten properties located south of St. Peter's Church along Genesee and Geneva Streets.
- Meetings were held with property owners and the project landscaper to discuss replacement plantings. Additional meetings will be held this month. Most plants and trees are anticipated to be planted during spring 2024.

**Remedial Construction**

- Additional restoration activities were completed at properties located on Geneva, Tillman, and Lewis Streets.
- Excavation began on the last remaining block of residential properties, located along Genesee and Geneva Streets just south of St. Peter's church. Restoration will be substantially complete by the end of the calendar year.
- Excavation and substantial restoration of two additional parcels, located at 44 Tillman Street and 49 Clinton Street, may also be completed this fall, depending on late-year weather conditions.
- Remediation of the State Street staging area, located on the parcel just east of the railroad, is anticipated to be completed in early 2024. Demobilization from the additional project staging area on Lehigh Street will also be completed in 2024.

6. SUPERVISOR UPDATE

Supervisor Kennedy began his update by thanking numerous individuals who were recognized by the Ontario County Office of the Aging for their volunteer work. He said the hazard mitigation session for council members is October 24<sup>th</sup> at the Safety Training Facility and it is the last one to participate in. Mr. Kennedy also thanked numerous council members for attending the housing assessment interactive session. He said the county is looking into the adoption of neighborhood pesticide notification. Lastly, he thanked Clr. Burrall for the encouragement to donate blood and recommended others do it as well. He addressed his appreciation for the front-line healthcare workers who he met, some of which were from Geneva, and others who were quite interested in our city.

7. CONSIDERATION OF MEETING MINUTES

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm**

**MOVED THAT the minutes of September 6<sup>th</sup> Regular Council Meeting be approved**

**MOTION CARRIED UNANIMOUSLY (8- 1 Absent)**

**ACTION TAKEN by Clr. Regan; seconded by Clr. Gaglianese**

**MOVED THAT the minutes of the September 12<sup>th</sup> Special Council Meeting be approved**

**ROLL CALL VOTE: Aye – Clr. Noone, Clr. Gaglianese, Clr. Burrall, Clr. Regan, Clr. Brimm,  
Clr. Camera, and Mayor Valentino**

**Abstain – Clr. Salamendra**

**Absent – Clr. Pealer**

**MOTION CARRIED**

8. PUBLIC COMMENT

Mayor Valentino opened public comment at 7:22pm.

Andrew Spink began by introducing himself as chair of the Police Budget Advisory Board (PBAB). He said he was speaking on behalf of the board to present their recommendations for the 2024 budget. He thanked Chief Colton for answering their questions and taking the time to meet with the board despite staffing shortages. He said the voting members of the board made the following recommendations, all with a vote of 4-0:

1. Support Chief Colton's proposal to fund 1.5 vehicles (which is less than the 2 he wants but with at least 1.5 funded he can bring older vehicles to auction to make up that additional 0.5)
2. Agree with the requested \$25,000 toward implementing the National Incident Based Reporting System (NYBRS) because it will allow for better classification of various types of crime and better tracking of police responses in the city.
3. Setting aside a portion (they recommend 2%) to address mental health response. They submitted a report in April that details what they'd like to see. It included hiring consulting firms or per-diem councilors to increase the availability of mental health professionals.
4. Support the publication of the salary scales of the officers as established in their union contract.
5. The PBAB repeats their 2023 budget recommendation to consider where there could be more valuable trainings rather than the computer voice stress analysis. The software is supposed to measure deceptive responses to questions but scholarship has been found which questions its accuracy. They suggest further research to determine if money should continue to be spent on it or if it could be better used elsewhere.

Barney Goldstein stated he wishes to address his comment to councilors and candidates of all parties. He said recently the city has sent out communications on multiple platforms about campaign yard signs and the rules surrounding them which he agrees with. He urged all of council and candidates to be respectful to volunteers who are canvassing their neighborhoods. He said he had a recent experience where he was yelled at by a candidate while placing yard signs. Mr. Goldstein said he did not engage but instead kept canvassing and wanted to remind everyone that people have the right to canvas their neighborhoods. He said while it is unfortunate to have a fellow resident do so he finds it unacceptable for this behavior to come from a candidate. He wants the city to be aware it is happening along with the stealing and damaging of yard signs from all political parties.

Jason Swartley came up to speak about the short-term rental regulations again. He wanted to encourage council to slow the process and sit down with local business owners to determine what can be done. He said some laws are already in place like innkeeper laws which, unlike long-term rental evictions which can take months, these allow STR's to act like a hotel and have the people removed by the owner's

request within an hour. Another concern he had was the owners being penalized for the bad actions of their guests. He compared it to renting a car, saying it would be him getting the ticket and not enterprise. He also said the STR's are mostly in the better parts of the city so he feels it isn't a housing crisis issue. He believes there's plenty of property that could be developed around Geneva for more housing and numerous 'zombie' houses that could be restored. He stated he has called zoning before starting both of his short-term rentals and they told him there was no registration form or process to follow. Mr. Swartley stated that the rentals he has are on a multi-year lease, so since he doesn't own it, he can't simply sell it, and it would take time to get the money back on the major renovations and investments he's made. He also pointed out that there are many conveniences an Airbnb provides such as allowing larger families to stay together rather than in separate rooms, having a kitchen to cook in, and a yard for kids to play in. Another concern he shared was potentially creating a hotel issue if Airbnb's can't operate since he feels the hotels are already booked full as it is. He said he is all for proper regulations and enforcement, which is what he was told was all this would be. He wants council to work with the STR owners and develop rules that work for both renters and neighbors.

There being no one else appearing to speak, the mayor closed the public comment at 7:33pm.

## 9. CITY MANAGER REPORT

City Manager Hendrix began her report by thanking everyone for their patience with her and the comptroller during budget season. She announced that Touch-a-Truck will be held on Monday, October 9 from 10am to 1pm during which the city will unveil the names of our two newest pieces of DPW equipment with one of the names receiving over 500 votes. She reminded everyone that the Halloween Parade is October 29 at 4:30pm; starting at the Armory and Trick or Treating will be on October 31, 2023.

She said they've met with DOT to plan for 2024 which included a project plan for paving 5&20 from Lake Street to the County line, and included a road diet. Clr. Gaglianese asked if part of those discussions include addressing the DRI issues like those that arise with a single lane. The city manager said yes, they have put together a large list, including replacement of infrastructure underneath while its already torn up. She said right now it is scheduled for next summer. Clr. Gaglianese said he also believes we need address the bridge on South Main St. which runs above Routes 5 & 20 in these conversations. He feels, despite routine inspections, it appears to be deteriorating and that it's an eyesore especially after all the beautification that was done nearby. The city manager assured that it has been added to the list and there will be continued conversations. Clr. Salamendra said she was under the impression that they've offered the beach space under the tunnel on 5&20 to the city before but previous administrations have turned it down. She feels the public would use it and requested the city manager to inquire.

City Manager Hendrix went on to say the DPW has cleaned and inspected lines on High St, Lyceum St, Routes 5&20 to Odell Pond, Grove St, Lafayette Ave, and others. She said they've also worked with outside contractors to ditch out near North St, State St and Lewis St crossings, waiting on flushing under roadways. They've removed tree roots and installed piping by Pulteney Cemetery Storm, and lined Pulteney St (sanitary) and High St (storm). The teams have been painting facilities, worked on structure adjustment and pavement markings in our streets, and painted parking lots. She said we've requested NYSDOT speed study on the DRI Corridor that it is now in place. Clr. Gaglianese stated residents on High St have expressed concern that there will be water and sewer work done near their houses and were wondering if there will be notifications going out and if so, how far in advance. The city manager said she would look into the notification schedule, adding that the nice weather is allowing this type of work to go on longer into the season than usual.

Lastly, she said she will soon be reaching out to the County staff to set a special session for City Council to further understand the housing report. She recommended inviting our supervisors to the meeting as well and feels it will lay out our path for working through the housing challenges in the city.

10. SECOND READING OF AN ORDINANCE AMENDING CHAPTER 350 AND CHAPTER 215 OF THE GENEVA CITY CODE

Planning and Economic Development Director David West Presented the resolution for a second reading on the following ordinance:

**AN ORDINANCE AMENDING CHAPTER 350 AND CHAPTER 215 OF THE GENEVA CITY CODE**

Be it ordained by the City Council of the City of Geneva, NY that Chapter 350 of the Geneva City Code be amended to add Section 350-26.4, entitled Short Term Rentals, and Chapter 215 be amended to add Section 215-44, entitled Short-term rental operator license, as follows.

Be it further enacted that Schedule I Permitted Uses in the City Code Chapter 350 be edited to reflect the use Short-Term Rental allowed in all zones by Special Use Permit subject to requirements and processes described in Chapter 350-34 and Operator License requirements of Chapter 215-44.

**§ 350-34 SHORT-TERM RENTALS**

**350-26.4-1. Findings:**

The purpose of this Chapter is to regulate the Short-Term Rental of dwelling units within the City of Geneva, NY and to establish comprehensive registration and licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, oversight and maintenance of Short-Term Rental properties. The City also recognizes that extensive Short-Term Rentals have the potential to compromise the residential character of the community, [drive up prices of limited low cost housing supply](#), and may cause disruption to the peace, quiet and enjoyment of neighboring residents. Accordingly, in order to respect the rights and interests of all residents of the City, this Chapter seeks to thoroughly monitor and regulate those who offer their homes as Short-Term Rental properties in order to minimize any potential detrimental impact this commercial enterprise may have upon the residential character of [predominantly owner-occupied Geneva's](#) neighborhoods.

**350-26.4-2 Definitions**

**Short-Term Rental**

As used in this chapter, the term "Short-Term Rental" shall mean a dwelling that is rented, in whole or in part, to any person or entity for a period of less than 30 consecutive nights and meets all of the regulations, requirements and standards contained in this Chapter, as amended. Short Term Rentals do not include Boarding Houses or Bed and Breakfast Inns.

**Rental**

As used in this chapter, the term "Rental" shall mean an agreement granting use or possession of a dwelling in whole or in part, to a person, group or entity in exchange for consideration. Use of a short-term rental by a record owner of a property shall not be considered to be a rental under this section.

**350-26.4-3. Presumption of dwelling unit as short-term rental property**

- A. The following shall create a presumption that all or a part of a dwelling unit is being used as a short-term rental:

1. All or a part of the property is offered for lease on a short-term rental website, including but not limited to Airbnb, Home Away and VRBO, for a rental period of 30 consecutive nights or less; and/or
  2. All or a part of the property is offered for lease for a period of 30 days or less through any form of advertising.
- B. The foregoing presumptions may be rebutted by evidence presented to the City of Geneva Code Enforcement Office that the premises is not operated as a short-term rental.

#### **350-26.4-4. General Requirements.**

A. General Requirements.

1. Any conditions imposed by the City Code Enforcement Office or the City Planning Board through Special Use Permit and/or Site Plan Review.
2. The property must have sufficient off-street parking spaces as required by the City of Geneva Code Enforcement Office or the City Planning Board on Special Use Permit Review.
3. Tenants and guests shall only park on a suitably improved parking area and shall not park in the required front yard setback.
4. The maximum number of bedrooms that can be rented is limited to 4.
5. The maximum occupancy for each short-term rental unit shall be the lesser of 10 people or the number of people allowed by bedroom capacity as determined by the international building code section PM 404.4.1..
6. Regardless of all other occupancy limitations, maximum occupancy may not exceed 10 people and occupancy limitations are in effect 24 hours a day.
7. Advertisements for the short-term rentals in the City of Geneva must conform to what is allowed under this section, the short-term rental permit issued for the short-term rental in question, and contain a statement advising potential occupants that short term rentals of the property are subject to Section 350-44 of the Geneva City Code.
8. A Short-Term Rental may only be used for overnight accommodations and shall not be used for gatherings, including, but not limited to, cultural events, weddings, private events, special or sales events, bachelor or bachelorette parties or other similar party or activities, funerals, fundraisers, or similar group-type gatherings.
9. Short-Term Rentals are not permitted in dwelling units that are subject to affordable housing covenants or are income-restricted under Federal, State or Local law.

B. Short-Term Rental License Required.

The Operator of a Short-Term Rental unit must acquire a Short-Term Rental License as described in Chapter 215-44 of the City of Geneva Code within one (1) year from the issuance of a Special Use Permit or Site Plan Approval or said Permit or Approval becomes null and void.

1. Where the district regulations of this Chapter require a special use permit or site plan review, issuance of such approval shall be required prior to issuance of a revocable short-term rental license under Chapter 215-44.
2. Owners-Operators of properties being currently operated as a short-term rental as defined in this section, shall apply for a license within sixty (60) days of the effective date of this section. A Temporary License shall be issued pending a decision on the application.

## **Chapter 215-44- Short-term rental operator license**

### **215-44-1Short-term rental License- Required.**

A. In addition to the requirements contained in Chapter 350, the Operator of a Short- Term Rental unit must also possess a current and valid Short-Term Rental License, issued by the Code Enforcement Office, prior to operation as a Short-Term Rental.

#### **44.2 Short-term rental license application, renewal, and fees**

- A. An application for or renewal of a short-term rental license shall be submitted to the City Code Enforcement Office, signed by all persons and entities that have an ownership interest in the subject property, accompanied by payment of the permit fee in the amount determined as part of the annual chart of accounts of the City of Geneva. The application shall be completed on a form provided by the City of Geneva, and shall include the following:
1. A list of all of persons and entities that have an ownership interest in the premises to be used as a short-term rental and or an ownership interest in the company, partnership, or organization operating or profiting from the short-term rental, including names, addresses, telephone numbers (including mobile numbers) and e-mail addresses;
  2. Completion of a signed and notarized affidavit by the property owners and any operator certifying the following:
    - a. The property is in compliance with New York State Code R314.3 Smoke Alarm and FC 915 for Carbon Monoxide Detector Locations.
    - b. The number of parking spaces on the property meet the zoning requirements for a bed and breakfast use;
    - c. There are no outstanding property taxes or tax liens associated with the dwelling unit, nor does the Owner or any -oweoperator owe any other outstanding taxes fees or assessments to the City, including taxes and fees owed in connection with any other Short-Term Rentals;

- d. The Dwelling Unit complies and will continue to comply with all standards contained in this Chapter, the City Zoning Ordinance and all other applicable laws, standards and regulations.
  - e. The Owner and operator has read, understands, and agrees to comply with all legal duties imposed by this Chapter and the City Zoning Ordinance.
  - f. The Owner and operator will not discriminate in guest use or rental of a Short-Term Rental, and will comply with all applicable anti- discrimination laws, including but not limited to: Title VII of the Civil Rights Act of 1968, the Fair Housing Act (FHA), and the Americans with Disabilities Act (ADA).
  - g. Designation by the Owner or operator of a registered local contact who shall be available twenty-four (24) hours per day, seven (7) days per week with the ability to respond to any complaint within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and taking immediate action to resolve any such complaints.
- 3. Affidavit certifications shall be valid during the term of the short- term rental permit, or until modifications requiring a building permit are made, or until the City Code Enforcement Officer has reason to believe an inspection is warranted.
  - 4. A site plan, drawn to scale, showing the location of buildings and required parking-. An accurate, suitable plan need not be prepared by a professional.
  - 5. A statement that the property is served by a public sewer.
  - 6. Mobile Telephone numbers and email addresses of a contact person(s), who shall be responsible, and authorized, to act on the owner or operator's -behalf to promptly remedy any violation of these standards or the permit. The contact person may be the owner or an agent designated by the owner to serve as a contact person.
- B. The owner and any operator shall sign a consent authorizing the City Code Enforcement Office to enter upon the premises to conduct an inspection to verify compliance with the Code of the City Geneva, including this section; to verify compliance with applicable New York State laws, codes and regulations; to verify the number of sleeping rooms within the short-term rental, as authorized by this section; and to verify the number of parking spaces on the property meet the standards set forth in the City Code zoning requirements for a bed and breakfast use or any conditions associated with Special Use Permit or Site Plan Approval.
  - C. Upon the filing of a complete permit application with the City Code Enforcement Office together with the permit fee, and all documents and information required by this section, the City Code Enforcement Office shall have thirty (60) days to review the application and then either issue the permit, including, or notify the applicant in writing that the application has been denied, along with the reason or reasons for denial.
  - D. In reviewing the application, the Code Enforcement Office shall have the right to inspect the Short-Term Rental property for purposes of ensuring compliance with this Code, and any other applicable codes, laws, or ordinances enforced by the Code Enforcement Office. If an inspection authorized herein

is conducted, the Code Enforcement Office shall use the results of such inspection in determining whether to issue the License, with or without conditions, or to not issue the License

E. Short-Term Rental License Provisions.

1. A short-term rental permit license shall be obtained prior to using the premises as a short-term rental.
2. A short-term rental license permit shall be valid for two calendar years, and shall expire on December 31 of the second year it is in effect, and must be renewed upon expiration as long as the unit is used as a short-term rental.
3. The short-term rental license permit is transferable to a new owner or operator, so long as the owner or operator registers with the City, updates the short-term rental permit, application, and agrees in writing to comply with the requirements of the short-term rental license permit and these regulations.
4. If the conditions under which the short-term rental license permit is issued are not maintained or these regulations are violated, the short-term rental license permit may be revoked and the owner or operator subject to the penalties of this Chapter and the penalties set forth below.

F. Short-term rental license permits issued pursuant to this section shall state the following:

1. The names, addresses, and phone numbers of the subject property owner and/or property manager/operator with the ability to respond to any complaint within forty-five (45) minutes for the purpose of responding to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and taking immediate action to resolve any such complaints, who lives within 30 minutes of the City of Geneva if subject property owners do not live within 30 minutes of the City of Geneva.
2. Identification of the number of and location of off-street parking spaces available and the amount required by the code.
3. A statement that the short-term rental license permit may be revoked for violations.
4. A statement that guests must comply with the Noise Ordinance of the City of Geneva, as set forth in Chapter 232 of the City Code, which ordinance will be enforced by the City Police Department, the Ontario County Sheriff's Department, the New York State Police, or any law enforcement agency properly exercising jurisdiction over the premises or incident;
5. Any conditions imposed by the City Code Enforcement Office or the City Planning Board on Special Use Permit Review.
6. The permit expiration date, which shall be December 31st of the second year the license permit is effective.

G. The current short-term rental permit shall be prominently displayed inside and near the front entrance of the short-term rental.

H. Application Denial. City Code Enforcement may decline an application for any of the following reasons:

1. The application is incomplete, the documentation required is not included with the application, or the full permit fee, in payment form acceptable for the City Clerk, is not included with the application.
2. A short-term rental permit issued to any of the owners was revoked within the two years prior to the date of the application.
3. City Code Enforcement determines upon review of application or inspection that the subject property is not in compliance with City code.
4. The site plan required to be submitted with the application does not comport with the requirements of this section.

#### **215-44-2 Owner/Operator & Tenant Responsibilities**

- A. The Owner/Operator of a Short-Term Rental shall be responsible for any nuisance violations arising at a property during Short-Term Rental activities
- B. The Owner/Operator of a Short-Term Rental shall fully comply with all applicable State and Local fire, building, health and safety laws, and all relevant local ordinances, including City parking standards.
- C. The Owner/Operator must conspicuously post the Short-Term Rental License in a protected mounting in the public corridor, hallway or lobby of the dwelling for which the license was issued. This posting shall be in a common entrance. If no common entrance exists, then posting shall be made at the entrance of each dwelling unit.
- D. It shall be the responsibility of the Owner/Operator to acquire and maintain a valid sales tax certificate as required by New York State Law. Except for those instances in which a Platform bears the responsibility for collecting and remitting taxes and fees applicable to Short-Term Rentals, the Owner/Operator shall timely remit all applicable local, state, federal taxes and fees, owed in connection with any Short-Term Rental. The failure of a Platform to collect and remit taxes and fees shall not relieve an Owner/Operator of the obligation to pay taxes and fees owed pursuant to this Chapter.
- E. With respect to the dwelling unit which the tenant occupies, controls or uses, the Owner/Operator shall be responsible for the following standards:
  1. Occupancy limitations and the lawful use of a dwelling unit;
  2. Maintenance of the dwelling unit in a clean, safe and sanitary condition;
  3. Maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities contained in the dwelling unit in a clean and sanitary condition;
  4. Keeping exits in the dwelling unit free and clear of obstacles and debris.
  5. Disposal of garbage, refuse and debris in a sanitary manner and keeping the dwelling unit, lot, and neighboring lots free and clear from garbage, refuse and debris from the Short Term Rental.
  6. Keeping domestic animals and pets in an appropriate manner and under control, to the extent that domestic animals and pets are permitted on the premises by the Owner/Operator.
  7. All occupants and visitors to the Short-Term Rental unit shall comply with all relevant occupancy and parking codes. In addition, occupants and visitors shall park motor vehicles only on-site (if the property is designed to accommodate on-site parking) or off-site where parking adjacent to the property is allowed. Notice of the parking locations allowed and other requirements shall be conspicuously posted on the inside of the Short-Term Rental unit.

8. Ensuring that all occupants of the dwelling unit refrain from making any disturbing, offensive or excessive noise at any time, including but not limited to respecting quiet hours between the hours of 10 p.m. and 7 a.m., which would annoy or disturb the peace, quiet or comfort of a reasonable person of normal sensibilities. Each Short- Term Rental unit shall be required to prominently display a notice in any yard, porch, patio, deck, and/or pool area where renters may gather outside that indicates that unreasonable noise is prohibited by the City Code Chapter 323 and listing quiet hours.
- F. Compliance with Other Laws. The Owner/[Operator](#) shall ensure that any Short-Term Rental fully complies with the provisions of this Chapter, the City Zoning Ordinance, and all other applicable laws.

### **215-44-3 Compliance, Hearings, and Penalties.**

- A. Owners [and operators](#) of short-term rental units shall obey all applicable laws, ordinances, and regulations of the City of Geneva, Ontario County, New York States and the United States of America, and shall be subject to the enforcement proceedings contained in this section.
- B. Any Special Permit and/or License issued pursuant to this code is subject to continuing compliance with the conditions set forth herein, as well as any applicable laws, codes, regulations or ordinances
- C. The Director or his designee shall be given access to the premises for the purpose of making inspection as deemed necessary from time to time to ensure compliance with these regulations and with applicable State and Local codes.
- D. Inspection Fee. Every ~~property short-term rental licensee~~[Owner](#) shall pay a fee to be set by the City Council annually in their schedule of fees, to be assessed against the property, for each inspection in which violations of State or Local laws, codes, regulations and/or ordinances are found. Code Enforcement Office shall assess the fee, when, in the evaluation of the inspector, the status of the violation has not progressed or been satisfactorily completed. The fee shall not be applicable to inspections ordered after the commencement of a Court action, nor any initial inspection required pursuant to the application process above, but shall apply to subsequent re-inspections pursuant to the aforementioned sections.
- E. In the event that the Code Enforcement Office determines that a violation exists, it shall inform the ~~Owner by~~[licensee by](#) written correspondence, hand delivered or sent via first class mail to the address provided on the application, and provide a fixed period of time, not to exceed thirty (30) days, to remedy all existing violations or show cause for delay, which may only be granted once, by the Code Enforcement Office, for a time period not to exceed ninety (90) days
- F. Failure to remedy violations
  1. Following the expiration of the time period set forth in Section "E" above, the Owner [and any operator](#) of the Short-Term Rental unit shall be guilty of a violation and such License will be immediately suspended for a period of sixty (60) days. Continued failure to remedy an initial violation following the sixty (60) day suspension shall be considered a second violation.
  2. The Owner [and any operator](#) of the Short-Term Rental guilty of a second violation shall be further suspended for a period of one hundred twenty (120) days. Continued failure to remedy a second violation following the one hundred twenty (120) day suspension, shall be considered a third violation.
  3. The Owner [and any operator](#) of the Short-Term Rental guilty of a third violation shall have their Short-Term Rental License immediately revoked for that Owner [and/or any operator](#) and [the](#) location.
- G. An Owner [or operator](#) that has a License permit revoked may not apply or be granted another License for a period of two (2) years from the date of revocation, and no such License shall be reinstated unless the Owner [or operator](#) has demonstrated that all violations have been corrected and that

he/she/they is in full compliance with all applicable provisions of this chapter. Revocation and/or multiple violations may be grounds for the denial of a subsequent application under this Chapter.

- H. Non-Permitted/Licensed Operation: No person shall operate a Short-Term Rental unit without a current Special Permit or Site Plan Approval as required in the applicable zone, and a License issued pursuant to this Chapter. In the event that the Code Enforcement Office determines that a violation of this subsection exists, it shall inform the Owner and any operator by written correspondence, hand delivered or sent via first class mail to the address of the property in question. The Operator-owner and any operator will be given seventy-two (72) hours to cease operating the subject property as a Short-Term Rental unit. Should such unpermitted/unlicensed operation continue after seventy-two (72) hours, the owner and any operator shall be in violation of this Chapter and be subject to the penalties listed below

#### **215-44-4 Appeals**

Decisions of the Code Enforcement Officer will be provided to the parties and may be appealed by the owner, operator, or by the complaining party, by filing a written appeal within thirty (30) days of receipt of the decision, to the City Zoning Board of Appeals. The Zoning Board of Appeals shall conduct a de novo review of the decision.

#### **215-44-5 Penalty**

Those determined to be operating a Short-Term Rental without a required permit or license or otherwise failing to comply with determinations of the City Code Enforcement Office; or the City Planning Board on Special Use Permit Review; or otherwise failing to comply with City Code § 215-44 will be guilty of a violation, punishable by a fine to be set by City Council. For the purposes of City Code § 215-44, each day a violation exists shall constitute a separate violation.

#### **215-44-6 Effective Date**

This Ordinance, amending the Geneva City Code shall take effect immediately upon adoption by the City Council.

David began by explaining that most codes, including ours, states if you're doing something legally and the zoning changes you can keep doing it. However, he said the issue here is that it currently is not legal to have STR's in the city, so there technically wouldn't be any 'grandfathering' in upon the adoption of this new ordinance. David called council's attention to a citizen's recommended additions to the code. They were from an attorney representing some STR operators who said the clients had no issues licensing but were concerned about being able to comply with the parking requirements and room limitations for existing businesses. The four things suggested were:

1. Adding that the city planning board may modify or waive parking or occupancy requirements in this section based on site specific conditions that to do so would not have an adverse effect on adjacent properties or compromise the character or enjoyment of nearby properties.
2. Rather than excepting off street parking requirements by expanding the TUDD, instead not having requirements for off street parking in the historic district.
3. Any residence that was leased prior to the adoption of the ordinance for non-transient accommodations may continue as a legal non-conforming use but would be subject to limitations set forth in chapter 350 article 7 of the city code.

4. Rather than making the ordinance effective immediately it become effective January 1, 2024.

For number 3 David explained that anything non-transient would be a residence as our current definition of residence specifically excludes transient use. Therefore, as he previously stated, since it is not currently a legal non-conforming use they couldn't continue as such. The attorney had then suggested permitting property owners to honor reservations for a 3-month period following the effective date of this ordinance for those renters that might not be permitted in the future to honor their reservations.

Clr. Gaglianese began discussion by saying he has no problem with licensing but he believes the train is leaving prematurely. He said since this is a complex situation, council needs to take their time in making this ordinance to take both sides into consideration. His concern is that this will be passed but there will still be no one to enforce or regulate it and it will cost the city money. He also said he doesn't feel the money coming in will be enough to support the positions to monitor the properties the way it is anticipated to. His recommendation is to do it right the first time around and then tweak it from there. He expressed worry about killing tourism as he feels we are a tourist city, with a welcome center, so we should consider the repercussions of shutting down STR's by looking at all the variables. Clr. Gaglianese said they add to our economy, support downtown businesses and bring in new opportunities which brings the chance to expand and market Geneva better. He reiterated that the people who have been coming up to speak know best so they're who council should be listening to and they should slow down.

Clr. Regan agreed with Clr. Gaglianese that this is a fine line to walk but the ordinance provides the city with a tool, which is the license, as it gives them power to revoke and eliminate the troublemakers without effecting other STR's. She also pointed out that the ordinance can be changed along the way so it can be modified as needed. She asked at what point it goes back to a first reading if there are too many changes. The city manager explained that the changes David already made were not substantial at this time but if there were major changes to the body of the resolution then council would have to start over. Clr. Regan also asked David to review the TUDD and how it would be relied on to address the parking issue.

David first explained that TUDD stands for the Traditional Urban Design District, which is an overlay district to add historical preservation requirements, imposes sign restrictions, and waives parking requirements. He said it currently includes all of downtown and there was a discussion at the last work session for a resolution to expand it to capture the townhouse portion of South Main Street. David said he does feel the South Main and Pultney Park area matches the district that the overlay was designed to protect. He added that it would be difficult for code staff to go through 100 STR's through the planning board review process so council should either look at what resources the city has to get this started or add flexibility to the legislature by adjusting the effective date.

Clr. Regan also suggested that in the ordinance under parking, rather than say STR's match the requirements of BNB's, it specify exactly what they are so people don't have to go look for them elsewhere. She then proposed an amendment to gatherings under Section H for General Requirements (350-7.18-D) to strike "may only be used for overnight accommodations" because it is too limiting for what people are intending to use it for. Rather, she suggested putting "may not be used for gatherings that include more than 10 people providing the gathering does not cause a nuisance to the neighborhood and all regulations in this ordinance are adhered to." She feels its important to note many people choose these STR's before weddings to get ready or after funerals to gather and eat, none of which would be allowed as it stands, so expanding to allow small gatherings would permit some of the usage that customers are seeking. She explained that she chose the number 10 because elsewhere it states that only 10 people can be in a STR at once.

Clr. Pealer stated he liked the idea Clr. Regan proposed however he had one concern about the amendment which was that, under current amendment or the existing passage, a current property owner wouldn't be able to have a function on their own property. He said, in his opinion it's not in the spirit of what they're trying to do, and proposed striking it completely because he feels it is the simplest solution.

Clr. Salamendra said she doesn't agree with Clr. Pealer as neighbors have already expressed their complaints about these gatherings so they're the ones who are affected the most. She wants everyone to remember they are a business so she feels they should not be granted the same rights as an owner who lives in the neighborhood. She said she was only interested in discussing a set number of people to be allowed, rather than striking it completely.

Clr. Camera said Clr. Regan brought up a good point, and liked the idea of changing what is currently there, but asked if as an Airbnb owner they would also be restricted to these rules set in place for renters if they wanted to stay in their house for a week. David answered, explaining that under the definition of rental (350-7.18-B) it says "use of a short-term rental by a record owner of a property shall not be considered a rental under this section." Clr. Camera clarified that the owner, since they would not be included as a renter under this ordinance, could have gatherings if they wished and David agreed.

Clr. Gaglianese said, while he supports the amendment and striking that STR's may only be used for overnight modifications, he still doesn't support passing the this yet.

Clr. Burrall said it becomes unrealistic to put a specific number and he would rather strike it altogether because he feels it comes down to a noise issue. He pointed out that a few couples with infants could violate the ordinance if a number restriction is set but they may not be loud or disturbing anyone. He said he agrees with a lot of the points councilors have made but feels the ordinance issuing licenses is the key because when complaints arise those licenses could then be revoked and solve any of these issues. He feels like the goal is to eliminate the few STR's that are causing problems and the license should solve that with good enforcement so he is comfortable striking the sentence completely.

Clr. Salamendra said for the record the mayor had asked her before she spoke last if she was going to be speaking about the amendment, which she did, but others have broken protocol by bringing up things other than the amendment. She then said that she feels the number matters a great deal as she is also concerned about parking and privacy problems. She said it would matter to the residents who are living next to the STR's how many people are next door regardless of how much noise is made. She agreed that it is complaint driven so a few couples and infants likely won't have anyone called on them but the more things in the ordinance that can be violated makes for a stronger argument when enforcing what she sees as a serious issue.

Clr. Regan reiterated that she'd suggested the 10 people because it was in the ordinance already but she would be willing to amend it to not say a number. She suggested modifying her amendment so the short-term rentals may be used for gatherings by renters providing it does not cause a nuisance to the neighborhood and all regulations in this ordinance are adhered to.

Clr. Pealer commented on the modification with a concern about redundancy with nuisance ordinances that would already apply. He also asked if we define what a nuisance is in this ordinance? David replied that he wasn't proficient in the currently standing nuisance regulations but he pointed out that generally there's a difference between a public nuisance and a private nuisance. He said a private nuisance is between two people and doesn't affect others whereas a public nuisance endangers the health and safety of the community so that is the kind the city would regulate.

Clr. Brimm pointed out that the new modification to Clr. Regans amendment would in turn mean letter F would be eliminated since allowing gatherings would mean there couldn't be the maximum occupancy not to exceed 10 people and occupancy limitations are in effect 24 hours a day. David pointed out that rather than negating it the wording would simply control the proposed amendment and the wording wouldn't matter because you can't have more than 10 people with that in the rental.

Clr. Regan addressed Clr. Pealer's comment about nuisances, saying that she wants it specifically in the ordinance because the things already in place aren't working and she feels it gives the city more tools to enforce it. She referred to noise issues, saying many times the police are called but the music or noise continues when they leave, and the only option is to press charges which she feels many aren't willing to do. She said having it written would be an extra tool to potentially pull a license or give repercussions if needed rather than simply relying on current nuisance ordinances.

Clr. Gaglianese said, in reference to this amendment, the conversation around enforcement has been mentioned but he feels like the city can't enforce things like a porch coming down so he doesn't see how they'll be able to do what's being proposed. He wants it determined who will be enforcing it, where the money will come from, and numerous other things before he feels this should be moved forward.

Clr. Burrall said first he likes keeping the nuisance phrasing, although it is open to interpretation. However, he raised the question of who is to determine what type of gathering is occurring since a group staying in a STR overnight playing cards is currently allowed as long as it's under 10 but that could also technically be a gathering.

Clr. Salamendra said she feels this is being treated like a party at someone's house rather than like a business. She pointed out that businesses have occupancy limits and at a bar they wouldn't be allowed to let in more than the set amount so this should be the same.

The roll was called and the motion was defeated for the amendment.

Clr. Camera reiterated he feels it's important to pass the ordinance tonight and then make the changes that many already know need to be done. He suggested, if passed tonight, making resolutions and amendments over the next few months before it goes into effect. He said these issues should be discussed in small sections, to give them the appropriate amount of time, and then make the needed substantial improves and advancements going forward. He feels there is no perfect entry point or legislation so it should be done with the thoughts of all involved, not just the few who've come to speak.

Clr. Salamendra said for the record she feels the mayor attempted to limit discussion to keep the meeting shorter and wants it to be clear to the public that many members of council wished for a work session to discuss this further. She went on to say she doesn't put businesses before residents and she feels we're behind the times so Clr. Gaglianese's suggestion to hold off is one she disagrees with because she believes the time to act is now. She said residents have elected the councilors to speak for them and it is their job to legislate a city-wide problem rather than having residents work it out or focus on one incident. Clr. Salamendra stated the people she represents don't want wealthy STR owners on South Main St. to be exempt from the parking restrictions.

Clr. Noone said he is in full support of passing this tonight and that it gives us the framework but recognized that it is a living document so it can be amended as time goes on. He feels once this is passed then specific needs can be addressed like the individuals who've come to speak. In regards to parking he would like to see more specificity for how many parking spots would be allotted. Lastly, he expressed a similar concern for who and how this would be properly enforced.

Clr. Pealer followed up with staff, asking if the entirety of the ordinance until this point has been approved by the legal team. City Manager Hendrix said at this point no flags have come up but at any point they could. Clr. Pealer also expressed concern that the city was criminalizing STR owners since the city currently doesn't have a permit for it. He feels since its not illegal it wouldn't need to be permitted and doesn't see how owning a STR now wouldn't be allowed now or in the future. Clr. Salamendra replied saying it could be illegal because it is running a business in a residential neighborhood where it isn't zoned for.

Mayor Valentino asked staff if they have an idea of what it would take to effectively and accurately implement this ordinance. The city manager made it clear that it will take some time and there won't be a sudden flip where suddenly everything is enacted. She said there are some tools they'll use to get a list of all property owners to send out permitting applications. She explained they're in the process of hiring another code officer, who will help with some of this, but she doesn't feel the 90 days would be enough time. She said the first step would be identifying the properties and asked for patience as this gets going. She spoke with numerous vendors who could do either all of the work or parts and it will later be determined which is the best fit for the city. She said she'd be more confident having it 90 days from January 1, 2024 rather than 90 days from the passing the ordinance. Mayor Valentino made a motion to amend section B (Short-Term Rental License Required) under General Requirements (350-26.4-4) from 60 days to 150 days.

Clr. Salamendra said she feels its neglectful to push back enforcement, especially for the people who have been dealing with these issues next door to their homes. She said the only way she would be in support was if during the time for staff to complete inspections and get the process going the city would also be able to enforce disciplinary actions for violations.

Clr. Camera clarified that the 150 days that the mayor proposed would be started upon adoption so if the document were passed tonight, it would be starting the clock regardless. He feels what is most important is getting the staff started and suggested the firefighters assist since they do code inspections.

Clr. Gaglianese asked if there is an extra line item in the budget for the vendors City Manager Hendrix mentioned to assist with implementing the new ordinance as they would cost money. The city manager replied that they hadn't as the budget was based off of current ordinances. She said if this was passed it would be something that would need to be discussed.

Clr. Noone asked if a violation occurred between now and the proposed 150 days would staff be able to enforce it? The city manager said it would depend on some things such as if they are through the permitting process, and if so, the city could enforce those STR's. David added on, saying there are two separate processes the city is asking operators to take. He said the first is the special use permit since without the legislation passing short-term rentals are not an allowed use through zoning. He explained they can enforce against a use that's not allowed, and as the zoning is written now there are special use permits for things like hotels and BNBs, but there aren't any for STR's so they're technically not permitted. He added that he wouldn't recommend doing so because he knows with the limited staffing it is not a top priority and cases have been dismissed in court because it is a new, somewhat grey, area. He explained the special use permit is a pre-requisite to getting a license which is the second thing the city is asking for.

David also noted that what the mayor was referring to for his amendment was in reference to applying for the license from the effective date (215-44-6). He suggested building in time for code enforcement at the end of the document by changing the effective date so all of the timelines wouldn't start until later rather than just moving back the license and not affecting the special use permit. Mayor Valentino asked, if they followed David's proposal of 150 days from the effective date, how it would impact the 60 days in section B under General Requirements. David explained the 60 days would still be from the effective date, so if the effective date was pushed back 150 days it would be 60 days following that. The city manager clarified that the 150 days would bring the effective date to March 2<sup>nd</sup> if passed tonight.

Clr. Pealer asked for some clarity whether it is illegal to operate a STR now or if it will become illegal without the special use permit once that framework is in place. David said currently, they are not an allowed use, so since STR's are not included under any of the allowed uses it is technically not allowed in the city. Clr. Pealer asked if they're not allowed now what are the repercussions. He used himself as an example and explained he had to go through a special use permit process to get solar panels put on his house and asked what would've happened if he hadn't gone through it but just put the panels up instead. David and the city manager explained that it would follow normal procedures of a civil violation which would include fines, possibly going to court, and likely being forced to remove them. Clr. Pealer said he's confused because its not a secret that there's hundreds of short-term rentals in the city and doesn't understand why they haven't been fined.

Clr. Salamendra asked why, if STR's are operating out of zoning code and costing the city money and resources such as in numerous police responses, the city isn't trying to recoup that in court the same way other coding matters are. City Manager Hendrix explained what she's getting at is the central issue municipalities are facing with STR's across the board. She said while it could be enforced and brought to court it has been thrown out in some places because there aren't proceeding laws on it so drafting the rules and ordinances allows us to enforce it.

Mayor Valentino made a modification to his amendment, changing it from where he originally placed it, to the end where staff recommended it under Effective Date (215-44-6) to take effect in 150 from adoption rather than immediately. Clr. Regan agreed with the amendment as she feels they need to

face the reality that code won't be finished in the original set timeframe. For clarification David said it would be allowing staff 150 days and giving operators an additional 60 days after.

Clr. Camera said he supports it as it allows the rules to gradually come into place while giving staff the tools they need to enforce and get started on the right foot.

Clr. Salamendra asked why the times for staff and for operators can't run concurrently rather than allowing operators more time because staff need more time. She feels a letter should be sent, that their responsibilities need to be done by the time staff will be ready, so they don't keep operating freely in the meantime. David responded to this, saying any delay to allow staff to prepare would be a benefit. He explained that he assumed the additional 60 days were put in place for STR operators because to obtain the license they first need to apply for the special use permit which requires a trip to the planning board.

Clr. Noone asked staff if, in their experience, many other municipalities require both of these things (the special use permit and a license). David said there are a lot of different ways to handle it, with the two easiest solutions being not allowing STR's at all or allowing them with no regulations. He said while he feels neither of those are options that are desired here there are places that use these things and he's seen some of everything. He noted that this is a new legal situation with continuous case law developing and shifting what has been set. Clr. Noone said having both feels like overkill to him since the special use permit is detailed and sets restrictions so he asked if the license could be eliminated or if it adds different restrictions that the permit doesn't. David replied that he strongly recommends not removing the licensing because it gives the city the power to revoke without a constitutional issue arising if they wanted to stop someone from what they're doing. In other words, he said it is easier to revoke the license than the special-use permit due to the set of rules in the license.

Clr. Gaglianese said, after hearing more about the complications and worry of the timeline to get it in place for staff, he again feels there are tons of moving parts and would prefer council take their time to review this ordinance more. He reiterated that he feels like they're trying to simply get it done rather than doing it right and taking their time. He asked how many complaints were filed with the city in the last year about short-term rentals and if they can be certain the money coming in from violations will cover the cost for the additional code officer to enforce it? The city manager suggested going back to the purpose statement, saying this will cost money since it is a city project like other city services, but the reason to do so relates to the purpose at the beginning of the resolution. She said as far as the complaints she doesn't know the exact quality but feels safety, public consideration, and neighborhood character are also parts to consider. She added that the occupancy tax is a home rule legislation which is another piece but a longer process that would have to be done. She said one of the vendors she spoke with has the ability to scroll numerous websites for all the STR's in Geneva, showing who has been active, the average nightly pay, and how much money it is bringing into the community. She feels the city needs that data so they are exploring that regardless of whether the ordinance is passed. She was shown one example of an STR that was \$995 a night with a 60% rental rate while another was \$104 a night with the same rate. She feels all the data will be helpful regardless so, while it is an additional cost the city will take on, the purpose of the document was more to come up with a process to have these rentals.

Clr. Salamendra agreed with the city manager, adding that it's already costing the city money now. She said they create things like numerous police calls for complaints which cost money so it's their obligation to look at why and what can be changed.

Clr. Regan added she feels a lot of people don't write formal complaints but she has people express their complaints that this is an issue to her from all over the city. She said that's not to say there aren't good STR's that contribute to our growth and economy, which she feels is important too. She didn't share Clr. Gaglianese's concern about the revenue STR's would bring, saying there are fees that would be collected such as the license fee (determined at budget time) and the occupancy tax, which she believes will pass since it has everywhere else. She said the amendments make it more feasible and giving staff more time will help put something in place while giving them more time to make it work.

The role was called on Mayor Valentino's motion and it was carried.

Clr. Pealer made a motion to strike the pre-text of section E (350-7.18) that the “operator of a Short-Term Rental unit must acquire a Short-Term Rental License as described in Chapter 215-44 of the City of Geneva Code within one (1) year from the issuance of a Special Use Permit or Site Plan Approval or said Permit or Approval becomes null and void.” He clarified that he wants to remove the special use permit restrictions and asked if he would need to be more specific. David said that could be problematic as the first step of the document is enacting STR’s to be a use that’s allowed by special use permit, since they aren’t currently allowed. He said it can be changed to simply be a permitted use, which would mean not having to go to the planning board, but it would impact many components of the document in various ways. Therefore, he said he would need time to look at that and it would be considered a substantial change so the process would begin again. Clr. Pealer said he thinks it is important to remove it as he feels STR’s are not currently illegal to operate otherwise there wouldn’t be tons of them in the city without repercussions. David explained that simply because it hasn’t been enforced doesn’t mean it is legal. He said due to administrative discretion the city has decided to spend their time on other issues. He explained some other places have filed interpretations to have it be allowed, however, in our ordinance it specifically says a residence does not include use that is more or less transient which he feels STR’s would very clearly fall under. Clr. Pealer stated he would still like the special use permitting process removed from the ordinance. He added that part of his reason for doing this was his concern that the definition of ‘rental’ and ‘short-term rental’ describes the facility rather than the party using it and feels that affects what is being enforced. His amendment did not receive a second.

Clr. Camera reiterated that he urges the passing of ordinance tonight and feels it is a reasonable first step that they will improve over time. Clr. Regan agreed and feels council should continue working on it and have a work session to address the needed changes. She echoed her earlier proposed amendment by saying places like that still need to be looked at but the changes can be done once it is in place.

**ACTION TAKEN by Clr. Salamendra; seconded by Clr. Noone**

**MOVED THAT this resolution be approved to adopt the ordinance**

**ACTION TAKEN by Clr. Regan; seconded by Clr. Camera**

**MOVED THAT the ordinance be changed from saying that short-term rentals may only be used for overnight accommodations to allowing gatherings by renters providing it does not cause a nuisance to the neighborhood and all regulations in this ordinance are adhered to**

**ROLL CALL VOTE: Aye – Clr. Noone, Clr. Regan, and Clr. Camera**

**Nay – Clr. Gaglianese, Clr. Burrall, Clr. Pealer, Clr. Salamendra,  
Clr. Brimm, and Mayor Valentino**

**MOTION DEFEATED**

**ACTION TAKEN by Mayor Valentino; seconded by Clr. Camera**

**MOVED THAT under Effective Date (215-44-6) the word ‘immediately’ be removed and replaced with ‘150 days’ upon adoption by the City Council**

**ROLL CALL VOTE: Aye – Clr. Noone, Clr. Pealer, Clr. Burrall, Clr. Regan, Clr. Brimm,  
Clr. Camera, and Mayor Valentino**

**Nay – Clr. Gaglianese and Clr. Salamendra**

**MOTION CARRIED**

(Roll call on second reading of the ordinance as amended)

**ROLL CALL VOTE: Aye – Clr. Noone, Clr. Salamendra, Clr. Burrall, Clr. Regan, Clr. Camera,  
and Mayor Valentino**

**Nay – Clr. Gaglianese, Clr. Pealer, and Clr. Brimm**

**MOTION CARRIED**

11. RESOLUTION ESTABLISHING A PUBLIC HEARING FOR A LOCAL LAW OVERRIDING THE 2024  
PROPERTY TAX CAP

The City Comptroller presented the following resolution:

**WHEREAS**, City Council has prioritized investing in our community; and

**WHEREAS**, to fully invest in the City of Geneva the revenue necessary to support the City includes property tax revenues that may exceed a statutory cap set by the State of New York; and

**WHEREAS**, override of the property tax cap will require adoption of a local law, and holding of a corresponding public hearing;

**NOW, THEREFORE BE IT RESOLVED**, that the Geneva City Council, hereby and in due form establish a public hearing to receive comment on the property tax cap and use the override mechanism, and directs the City Clerk to schedule said hearing for October 18, 2023 at 7:00pm.

The comptroller added that the current tax cap is \$8,459,062 and the current tax levy in the 2024 proposed budget is \$8,428,873, so it is just under it by roughly \$30,000. Although it is currently under the tax cap this is a preemptive measure in case it goes over due to changes from budget discussions.

**ACTION TAKEN by Clr. Noone; seconded by Clr. Gaglianese**

**MOVED THAT this resolution be approved**

**MOTION CARRIED UNANIMOUSLY**

12. RESOLUTION AUTHORIZING THE LOAN OF CITY RECORDS TO HISTORIC GENEVA

The City Clerk presented the following resolution:

**WHEREAS**, in 1984 the oldest Village of Geneva Minute Books and City of Geneva Minute Books from 1898 through 1907 were loaned to the Geneva Historical Society for safe keeping and adequate storage, with legal custody of these records remaining with the City of Geneva, and

**WHEREAS**, in 2001 the Council Minute Books dating from 1908 through 1969 and in 2017 various cemetery records were also loaned to them for safe keeping and more adequate storage, and

**WHEREAS**, the City Clerk has approached the Geneva Historical Society about loaning additional records to the Geneva Historical Society for safe keeping including various Village of Geneva records from the early 1800's, and Historic Geneva has agreed to take possession of these records and provide adequate storage of these valuable archival records, with the understanding that legal custody will remain with the City of Geneva.

**NOW, THEREFORE, BE IT RESOLVED** that the Geneva City Council of the City of Geneva, New York does hereby authorize the loan of the above listed records to Historic Geneva for safe keeping and

adequate storage of these valuable archival records, with legal custody of these records remaining with the City of Geneva.

Clr. Pealer asked if moving them would potentially damage them since they are too fragile to be scanned and if there are already records there on loan which these would simply be added to? The clerk confirmed there are already other records there and explained that the spot they would be kept in is made for records like these and can prolong their life. She also said moving them would not harm them but from sitting for so long they started to fall apart when attempting to scan them on a copier so it would be best to put them in a safer spot for their protection and longevity.

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm**

**MOVED THAT this resolution be approved**

**MOTION CARRIED UNANIMOUSLY**

13. RESOLUTION RELEASING A REQUEST FOR PROPOSAL FOR LEGAL SERVICES

City Manager Hendrix presented the following resolution:

**WHEREAS**, the Geneva City Council has identified “Talent Capitalization” among its Strategic Imperatives for Success; and

**WHEREAS**, in 2015, City Council shifted its legal services delivery platform to a public-private partnership model, challenging the private sector to deliver a high level of service in a cost-effective manner; and

**WHEREAS**, the City Council designated the firm of Midey, Mirras, and Ricci as its counsel under the aforementioned model; and

**WHEREAS**, the firm has delivered on its challenge relative to cost effectiveness and service delivery; and

**WHEREAS**, with an election of a new council who will begin service in January 2024 it is important to ensure that this model continues to deliver the results the City deserves; and

**WHEREAS**, it is time to review this model through the release of a request of proposal from all talented firms that will allow the continuation of this model,

**NOW, THEREFORE BE IT RESOLVED**, that the Geneva City Council, hereby and in due form does direct the City Manager to release a request for legal services to be released no later than October 31, 2023 to will allow legal firms that may practice in New York the opportunity to propose their services to the City of Geneva.

**BE IT FURTHER RESOLVED**, responses to said proposal will be collected and reviewed by current council who shall make a recommendation for the 2024 council to review prior to the appointment of a legal firm at their first meeting, with the selected legal firm operating for the period of January 1, 2024 through December 31, 2028.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Regan**

**MOVED THAT this resolution be approved**

**MOTION CARRIED UNANIMOUSLY**

14. NEIGHBORHOOD NOTIFICATION LAW

Councilor Regan presented the following resolution:

**WHEREAS**, New York State passed the Neighbor Notification Law in 2000 as part of the Environmental Conservation Law of the state, which goes into effect when and if a county or a larger city adopts it; and **WHEREAS**, the law requires commercial pesticide applicators to notify neighbors in writing at least 48 hours before applying pesticides to residential lawns, trees, and shrubs; but does not apply to farms, cemeteries or golf courses, along with other exemptions and

**WHEREAS**, it requires homeowners who do their own application to post a sign in advance; and requires retailers who sell pesticides to provide pesticide information to customers; and

**WHEREAS**, the purpose of the law is to allow neighbors to take practical actions such as keeping children and pets indoors at the time of application, closing windows, turning off air conditioning, and covering toys and lawn furniture, and to provide information to purchasers of pesticides for home lawn and landscape use; and

**WHEREAS**, the City's Green Committee reviewed the Neighbor Notification Law, and recommends that City Council join with the Geneva Town Board to request Ontario County consider its adoption; now therefore,

**BE IT RESOLVED** the Geneva City Council requests Ontario County, through its Planning and Environmental Quality Committee, consider the Neighborhood Notification Law and, if supported, that the Board of Supervisors adopt this law for Ontario County; and

**IT IS FURTHER RESOLVED** that copies of this resolution be sent to the Ontario County Board of Supervisors for distribution to all county supervisors, to County Administrator Christopher DeBolt, to county Planning Director Thomas Harvey, and to the county's director of the Department of Sustainability and Solid Waste Management, Carla Jordan.

**ACTION TAKEN by Clr. Regan; seconded by Clr. Camera**

**MOVED THAT this resolution be approved**

**MOTION CARRIED UNANIMOUSLY**

15. RESOLUTION DECLARING GENEVA CITY COUNCIL AS LEAD AGENCY FOR ENVIRONMENTAL REVIEW OF ZONING UPDATE

Planning and Economic Development Director David West Presented the following resolution:

**WHEREAS**, the City of Geneva began the process of amending the City's Zoning Code (Chapter 350) in March of 2019, under the direction of a Steering Committee designated by the Common Council, with the goal of bringing more clarity to the code and aligning the City's land use regulations with the vision and recommendations of previously completed plans and studies, including the City's Comprehensive Plan; and

**WHEREAS**, the zoning code amendment process, under the direction of the Steering Committee with assistance from Barton & Loguidice, D.P.C. resulted in the Draft Zoning Code & Map dated October 5, 2020; and

**WHEREAS**, the Draft Zoning Code Amendment was made available both online and at City Hall for public review on October 9, 2020; and public comment on this Draft was heard on November 13, 2020; and

**WHEREAS**, the Draft Zoning Code Amendment was amended by staff in collaboration with Council, the public, the Geneva Business Improvement District, and several years of public comment, workshop sessions, and legal review by the City's attorney; and

**WHEREAS**, the Final Draft Zoning Code was made available to the public on September 27, 2023 and considered for public comment, amendment, alteration, etc. at the October 4, 2023 Council Meeting; and

**WHEREAS**, the City Council of the City of Geneva has expressed its interest and intention to undertake an environmental assessment of the proposed adoption under the auspices of the New York State Environmental Quality Review Act ("SEQRA"); and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Geneva declares its intent to act as Lead Agency in the review of the Zoning Update for the purposes of State Environmental Quality Review, and directs staff to publish appropriate notifications and notice to potential involved and interested parties.

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Camera**

**MOVED THAT this resolution be approved**

**MOTION CARRIED UNANIMOUSLY**

16. RESOLUTION SCHEDULING A PUBLIC HEARING ON THE CITY OF GENEVA'S ZONING CODE UPDATE

Planning and Economic Development Director David West presented the following resolution:

**WHEREAS**, the City of Geneva began the process of amending the City's Zoning Code (Chapter 350) in March of 2019, under the direction of a Steering Committee designated by the Common Council, with the goal of bringing more clarity to the code and aligning the City's land use regulations with the vision and recommendations of previously completed plans and studies, including the City's Comprehensive Plan; and

**WHEREAS**, the zoning code amendment process, under the direction of the Steering Committee with assistance from Barton & Loguidice, D.P.C. resulted in the Draft Zoning Code & Map dated October 5, 2020; and

**WHEREAS**, the Draft Zoning Code Amendment was made available both online and at City Hall for public review on October 9, 2020; and public comment on this Draft was heard on November 13, 2020; and

**WHEREAS**, the Draft Zoning Code Amendment was further amended by staff in collaboration with Council, the public, the Geneva Business Improvement District, and several years of public comment, workshop sessions, and legal review by the City's attorney; and

**WHEREAS**, the Final Draft Zoning Code was made available to the public on September 27, 2023 and considered for public comment, amendment, alteration, etc. at the October 4, 2023 Council Meeting.

**WHEREAS**, at the October 4, 2023 Council Meeting, the City of Geneva City Council did Declare Lead Agency for the SEQRA review of the Zoning Update; and

**WHEREAS**, the adoption of an ordinance in the City of Geneva requires a public hearing pursuant to

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Geneva, New York that a public hearing is set for 7pm on November 1, 2023, for the Zoning Update and appropriate notification and publication shall be made by the City Clerk.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Brimm**

**MOVED THAT this resolution be approved**

**MOTION CARRIED UNANIMOUSLY**

17. DRAFT ZONING UPDATE

Planning and Economic Development Director David West presented the following draft:

\*Zoning Draft is inserted at the end of this document on page 30\*

David began by stating that this was the last chance to request an amendment before the draft of the zoning is submitted to the county for 239 review and moved forward for the document to be adopted in December. He explained that the review is for the county planning board to comment and identify actions that may have intermunicipal or countywide impacts. David said the comments can be informal, things to think about, or requesting changes which can either be accepted or denied with a majority plus one vote. He added that the county had 30 days to respond and during that time changes can be made if they are to tighten regulations but if the changes loosen requirements the timeline starts over.

Clr. Camera said a change he feels would impact the near future is the potential for apartments above the building where the old Madia's store was, which is currently being rebuilt. He proposed to change the maximum of 6 units, which is allowed under the current neighborhood business zoning, to allowing 7-12 units with a special use permit. David clarified that he means adding a SP (Special-Use Permit) by Multi-Family Dwelling (7-12 units) in the neighborhood business zone. Clr. Camera agreed saying council isn't setting the number but would be allowing it to be proposed to the planning board.

Clr. Gaglianese asked, due to the condition of the building, wouldn't there be numerous permits that will have to be acquired by the planning board anyways so would it really be saving a step? David responded yes, it would be saving a step, because to get a special-use permit the use has to be allowed and if it isn't allowed, they would have to go a different route or change zoning which is a longer process.

Clr. Pealer asked David what he sees as the positives and negatives of the proposed amendment. David said a consequence of density in our zoning is it's based on units which makes sense in some causes but in others it artificially constrains it. He said a benefit is allowing density in a central point and the potential for a business to offset some revenue from the apartments above. He said a negative could be not wanting more density but that it's all based off opinions on what people would want that area to look like. He added that he doesn't foresee a big impact on the streets the zoning covers. Clr. Pealer followed up asking if this is being transitioned to a mixed-use zoning. David said it currently allows a mix of uses but this just allows a few more units.

Clr. Regan said passing this amendment isn't saying it will happen but she feels zoning just lays a foundation by setting the tone and that this would be more welcoming to a developer. She stated the housing study presentation from the county showed this is the kind of housing demand now, and will continue to be, but that Geneva doesn't have a lot of it.

Clr. Gaglianese asked if the number of apartments that could be increased by this change would

be able to be accommodated by the current parking lot and if it would change the neighborhood? David replied that there is a parking requirement tied to the number of units so that would be considered. He added that the parking would be considered in part of the special use permit application process and the proposed change does not allow the project to happen but allows someone with a plan to apply.

Clr. Salamendra and Clr. Noone both said they fully support of the amendment. Clr. Noone added that he thinks an increase in apartments will bring a beneficial growth to that area and that it correlates with the county housing study goal to accommodate various life stages.

Clr. Camera's amendment passed unanimously.

Clr. Pealer made a motion to amend the section Keeping of Animals (350-7.13.C) by striking everything after "no person shall keep or harbor chickens in the City of Geneva" the same way it is for the animals under letter F.

Clr. Salamendra said she feels it is ridiculous people think chickens shouldn't be kept in urban areas when most already have them. She said that the councilors opposed have not given any genuine reasons for not keeping chickens now or in the past during work sessions. Lastly, she expressed that if you don't want chickens than you simply shouldn't get one but she feels it shouldn't impede the opportunity for other people to have them.

Clr. Regan stated chickens aren't like the other animals which have already been struck, due to differences such as the size. She said she personally doesn't want chickens but there are many people who do for various reasons. She feels people who do recognize that it's a big responsibility, like any other pet, and they know that people are watching so they'd follow the rules. She also feels having them teaches children how to care for animals and shows others the reality of food systems as many people don't have access to fresh eggs. She added waste can be reduced, much like composting, as they eat scraps. Clr. Regan said many of the misconceptions can be disproven by visiting Geneva Peeps and seeing just how quiet and clean it is. She feels people should be watched and follow the rules but that they should also be allowed to keep them.

Clr. Noone said he still believes in his statements at previous meetings advocating for animal rights.

Clr. Pealer said with chickens there are more issues than not. He feels it is wrong that a house can take up three quarters of the property and still be allowed to have chickens because the space requirement is based off the lot size. He said there's an issue with the FDA policies on the minimum requirement for chicks being bought. He stated another issue is there are no restrictions written for the slaughtering of chickens. He feels these farm-based animals are largely illegal in the community and that the majority of people don't want them.

Clr. Burrall said he hasn't heard any reason from anyone to be opposed to the keeping of chickens with the restrictions in place. He said the FDA restrictions are irrelevant because people could go in as a group and make a minimum purchase and split up the chickens so they each have the amount they want. He feels all the reasons he's heard from people have been dispelled as Clr. Regan mentioned and the city has had experience allowing up to 160 chickens in the industrial zone with only 1 complaint that a chicken had gotten loose.

Clr. Pealer's amendment was carried.

Clr. Regan went back to the topic of housing and stated the county housing session emphasized the need for more dense housing and she doesn't feel there are many places in the city that can be changed. She proposed an amendment to large lot residential designation behind Slosson Lane to something that would allow more density. She said, like Clr. Camera's amendment earlier it wouldn't mean it is going to happen but it would give a developer one less hoop to jump through and would be setting the table for the opportunity.

David suggesting changing it to medium density residential which would allow conversion to multi-family and multi-family up to 6 units. The city manager added that in the zoning update for that area

is currently set to go to large lot residential, which didn't previously exist. The mayor asked for some clarification on the specific area that is being referenced as the area proposed for large lot residential is much larger. Clr. Regan said she wants the area behind Slosson, fully around the cemetery, to go to medium density residential rather than the proposed large lot residential.

Clr. Gaglianese said he wishes to keep it the same and feels it would change the character of the neighborhood. He added that Clr. Burrall has made it clear the area is difficult to get to so he feels it should stay as the proposed large lot residential.

Clr. Salamendra feels it's been made clear that the community character of neighborhoods affected by short-term rentals aren't important but the character by Slosson Lane is and she finds it odd. She said no matter the housing or economic development needs for the city the needs for the wealthy seems to continue to be more important.

Clr. Camera said he supports the motion and noted the piece of land represents a ninth of the city so it shouldn't be constrained by large lot residential. He feels there is enough land to have buffering zones to preserve the solitude of the existing homes and the medium density residential is more consistent with the comprehensive plan. He stated the city can't afford to lock up this much land and it doesn't make sense financially to restrict the development there.

Clr. Noone said he's been in support of Clr. Regan's idea, feels it aligns with the county's goals of diversifying the housing, and facilitating the expansion of housing.

Clr. Burrall asked for clarification if the proposal was to amend the entire district or just between Jay and Snell. Mayor Valentino clarified south of Jay St, west of Lochland Rd, east of Slosson Ln, and north of Snell Rd but not including the small lots. The mayor added that he is against changing the fabric of the community there, regardless of income, and feels it is a gateway to the city. He added that multi-family housing wouldn't have much access to anything without travel and he feels the amenities should be within walking distance to support that type of housing.

Clr. Regan's amendment was defeated.

**ACTION TAKEN by Clr. Camera; seconded by Clr. Regan**

**MOVED THAT the draft zoning be amended to potentially allow multifamily dwellings (7-12 units) by adding special use permits under Neighborhood Business (NB)**

**MOTION CARRIED UNANIMOUSLY**

**ACTION TAKEN by Clr. Pealer; seconded by Clr. Gaglianese**

**MOVED THAT the allowing of chickens be removed under the 'Keeping of Animals'**

**ROLL CALL VOTE: Aye – Clr. Noone, Mayor Valentino, Clr. Gaglianese, Clr. Pealer, and  
Clr. Brimm**

**Nay – Clr. Salamendra, Clr. Burrall, Clr. Regan, and Clr. Camera**

**MOTION CARRIED**

**ACTION TAKEN by Clr. Regan; seconded by Clr. Camera**

**MOVED THAT the proposed designation of large lot be changed to medium density residential for the undeveloped area south of Jay St, west of Lochland Rd, east of Slosson Ln, and north of Snell Rd.**

**ROLL CALL VOTE: Aye – Clr. Noone, Clr. Salamendra, Clr. Regan, and Clr. Camera**

**Nay – Clr. Burrall, Mayor Valentino, Clr. Gaglianese, Clr. Pealer, and  
Clr. Brimm**

**MOTION DEFEATED**

18. RESOLUTION DECLARING CERTAIN PROPERTY AS SURPLUS

Mayor Valentino presented the following resolution:

**WHEREAS**, the City of Geneva maintains an inventory of equipment and supplies for the provision of certain municipal services; and

**WHEREAS**, the attached schedule of equipment and supplies no longer contributes value to the City's operations; and

**WHEREAS**, the equipment and supplies in the attached schedule may either be sold or traded to derive any final value to the City.

**NOW, THEREFORE BE IT RESOLVED**, that the Geneva City Council, hereby and in due form, does direct the City Manager to dispose of the equipment in the attached schedule. The proceeds of any sale shall be applied to the Equipment Amortization Fund.

Department of Public Works Surplus Equipment October 2023

- 2001 FORD E350 ECONOLINE VAN VIN #1FBSS31L51HB08750 MILES 58431
- 2009 FORD F250 SUPER DUTY W/ PLOW 1FTNF21519EA32224 MILES 65403
- 2008 FORD F250 SUPER DUTY W/ PLOW 1FTNF21589EA32222 MILES 66382
- 1990 CHEVY 3500 FLAT BED VIN #\_\_? MILES 69153
- 2008 FORD F450 DUMP TRUCK OF VIN # 8EA02201 MILES 60368
- NEW HOLLAND TRACTOR TC29 WITH 7308 FRONT BUCKET
- GRAVELY PRO-TURN 160 COMMERCIAL MOWER \*PARTS ONLY\*
- RUGBY ALUMINUM FLATBED DECK FOR A PICK UP TBX239442
- (2) TORO PUSH LAWN MOWERS,
- (4) LITTLE WONDER WALK BEHIND LEAF BLOWERS
- MISC: METAL FILE CABINETS, TOOL BOX, TRUCK TOOL BOXES

**ACTION TAKEN by Mayor Valentino; seconded by Clr. Camera**

**MOVED THAT this resolution be approved**

**MOTION CARRIED UNANIMOUSLY**

19. RESOLUTION ESTABLISHING A PUBLIC HEARING FOR THE SALE OF CITY-OWNED PROPERTY

Councilor Burrall presented the following resolution:

**WHEREAS**, the City of Geneva owns real property located at 666 S. Exchange Street (104.58-2-13.100); and

**WHEREAS**, the City of Geneva City wishes to progress with the sale of this property after a review that the property that is proposed to be purchased does not serve a public purpose; and

**WHEREAS**, staff will further review the private interest in this property; and

**WHEREAS**, if a proposal is determined to be in the best interest of the City of Geneva residents, City council will anticipate the sale of the property; now

**THEREFORE BE IT RESOLVED**, that a public hearing for the sale of the above referenced property be held at the regular City Council meeting to be held on November 1, 2023.

Clr. Burrall explained that Carter Lane is a dead end that begins by the Seneca Street parking lot and travels behind three townhouses. He said this motion is to set a public hearing for the sale of city owned property for a 20x78ft piece of 666 South Exchange St lot (the west side of the recreation complex). The city manager added that this merely sets the public hearing, it does not sell the property, as they will still need to determine if there is any use for the city or need for any easement agreements.

Clr. Gaglianese asked if there is a sewer back there and if utilities would need to be lowered and the city manager agreed it would need to be reviewed.

Clr. Regan said she supports having a public hearing as she feels the property owners have a genuine need for it. She said it is important to hear their side and work out the details.

Clr. Salamendra said she has sympathy and is concerned for the residents but feels some conflict as she wishes to finish the plans for a system of selling city owned property. She stated she is for a public hearing but wishes to have a process finalized soon so people don't keep soliciting and approaching the city.

The mayor said he feels the public hearing gets the wheels turning but he would also like to respect staff's time and their focus to deal with city property in the new way rather than having a special situation. He said it is coming quickly and then he'd be happy to address it in the new forum.

**ACTION TAKEN by Clr. Burrall; seconded by Clr. Regan**

**MOVED THAT this resolution be approved**

**ROLL CALL VOTE: Aye – Clr. Burrall, Clr. Salamendra, Clr. Regan, and Clr. Camera**

**Nay – Clr. Noone, Mayor Valentino, Clr. Gaglianese, Clr. Pealer, and  
Clr. Brimm**

**MOTION DEFEATED**

20. BOARD AND COMMISSION APPOINTMENTS

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm**

**MOVED THAT Tammy Luzzi be reappointed to the board of assessment review**

**MOTION CARRIED UNANIMOUSLY**

21. MAYOR AND COUNCIL REPORTS

Clr. Salamendra stated she had no report.

Clr. Burrall thanked David West, Supervisor Kennedy, and people who spoke during public comment. He said since August blood donation has gone down 25% and there is a national blood shortage. Opportunities to donate are October 5 from 9-2 Jordan Hall, October 18 from 1-7 Presbyterian Church Geneva, October 24 from 1-6 at Waterloo VFW, October 26 from 10-3 at Geneva General Hospital, and October 27 from 12-5 at the Hall Fire Department. As the BID liaison he said they're planning for the 2024 garlic festival based on this year's attendance. Discover downtown Geneva passport starts October 5 in connection with the visitors center to be eligible for prizes by making purchases downtown and supporting local businesses. Along with touch-a-truck October 9<sup>th</sup> is the fall festival with BID having pumpkin carving, decorating, and live music from 10-1. He said the Historic

Districts Commission met this past month and planning to put a handicap ramp on the south side of the Historic Geneva building. The design has been approved and they should begin as soon as a contractor is lined up. He reminded council members to stay on top of upcoming reappointments for boards and commissions. He said Ford Weiskittel, the current chair of the Historic District Commission, will be stepping down after 25 years and praised his dedication. Lastly, he added the Shade Tree Committee sold \$280 in firewood sales and he hopes to be at the November meeting to present those funds.

Clr. Gaglianese had no report, and he thanked Andrew Spink, for presenting on behalf of the Police Budget Advisory Board, and the board for their hard work.

Clr. Brimm stated the Housing Board did meet but he had no report.

Clr. Camera said the newspaper had a great article about the collaboration between the head of DPW and the state on repaving the section of road along the lakefront. He feels it was a great collaboration and many people have told him what a pleasant experience they've had. He mentioned he attended the new swearing in ceremony for the police chief where he got a chance to talk to him about mental health.

Mayor Valentino thanked staff for their hard work and noted that this will be a busy month coming up. He said there is a Fire Department Memorial Service on October 11 at 6:30. The pumpkin roll will be October 14, with 800 pumpkins, an additional 300 from last year since they had run out. He said city staff will be supporting the event and using their trucks to bring them to the compost station after.

Clr. Regan said the pumpkin roll is a neighborhood event that she goes to every year and feel people look forward to it and it uplifts the community. She attended the ribbon cutting for Lake Connector, which she feels was a great collaboration, as well as the swearing in ceremony for the police department. She went to a town hall meeting where they discussed stop signs, STR, wheelchair safety in streets, college/ city relations, and uber. She congratulated the Vinifera, a wine shop on Linden St., on their national award. For the green committee she said a planning session took place to look at next year where they talked about the 5&20 median, local packaging in stores, mission zero in 2024, lawn debris pickup, and a book group talking about climate change. The green committee also had a successful native plant sale.

Clr. Pealer praised the finalists of the fire safety art contest, of which the winner will be announced at the FD inspection/ memorial ceremony. He said the recreation board did not meet but pointed out they have some seats to fill and welcomed people in the community to apply.

Clr. Noone reported he attended the housing meeting which he said was eye-opening and he spoke with many different people from different perspectives. He was thankful to the city manager for working to put together a joint meeting with the county and see how the study applies to Geneva specifically. Clr. Noone expressed he was disappointed there will be no forum for the democrats and republicans to discuss issues due to the League of Women Voters cancelling from lack of participation. He wants it to be known he welcomes a debate and tried to plan one with HWS who denied without further administration approvals.

Clr. Regan replied that she thinks many would welcome a debate and said Clr. Noone saw how difficult it can be to set up a debate as it is a major undertaking.

22. PUBLIC COMMENT

Mr. Monaco said what people don't understand about the Airbnb's is while living in his house for 25 years he had 4 neighbors who he ate dinner with, watched their kids, and considered friends. However, over the last 2 years he's had over 300 neighbors who didn't care about him or know him. His issue is the house next to him is a home not a hotel or party venue. He wants a neighbor who he can know and understand their routine so when he hears something late at night, he knows they're bringing their kid home rather than worrying its someone who isn't supposed to be there. He said the place next to him doesn't follow the rules the city has set for parking and that is why he has so many trespassing complaints. He feels the parking issue on South Main Street is different as there's already not enough parking for the people who live there. He said he is glad something was passed tonight but he still feels he has no privacy or no respect from those next to him. He believes they rent an Airbnb to have their own kitchen, where they cook food, and don't contribute to the economy the way people think.

Clr. Camera asked, with the passage of the STR regulations, is there a way to prevent that Airbnb from getting a license. The city manager said what has been passed would review all the pieces for the license and determined if they will be given a permit.

Mr. Monaco expressed again that he is grateful something was passed but was still frustrated he would have to continue to deal with this issue for 150 more days until they apply for the license. He also feels they specifically came to Geneva because there weren't any rules so they could get away with doing whatever they want. The mayor replied that they can talk with code, legal, and staff to see if there is anything that can be done in the meantime but they've started something in motion. Clr. Gaglianese agreed it is a fine line to walk and they're trying to do it right so it accommodates everyone.

Susan Henking came up to speak saying they sympathized with Mr. Monaco because they moved to their home in 1995 and it is now 50% short-term rentals. They're one of the four rowhouses requesting to buy the city property behind them because they feel the city no longer takes care of the slope behind their property. They feel it is a hazard because if themselves or other residents were to fall while taking out their trash the police, fire and EMS can't get back there. The purpose of attempting to buy the property was to take the liability and responsibility of caring for the property themselves. Susan said more than the separate issues with the STR's and property they are frustrated that many people from different backgrounds are all being hurt by the decisions being made. Susan acknowledged how hard council works but wanted to say conflict is not abuse so advises they not make it abuse.

23. ADJOURNMENT

**ACTION TAKEN by Clr. Noone; seconded by Clr. Gaglianese**

**MOVED THAT the meeting be adjourned at 10:57pm**

**MOTION CARRIED UNANIMOUSLY (7 – 2 absent)**

*Nicole Wright*

City Clerk

# THE GENEVA CITY COUNCIL

## JOURNAL OF PROCEEDINGS

### SPECIAL COUNCIL MEETING

October 11, 2023 – 7:00 PM

Public Safety Building  
255 Exchange Street  
Geneva, NY 14456

Presiding – Steve Valentino, Mayor

#### 1. ROLL CALL

Present: Clr. Regan, Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Camera, and Clr. Brimm

Absent: Clr. Salamendra and Clr. Pealer

#### 2. 2024 BUDGET DISCUSSION

Mayor Valentino thanked staff for their hard work and the councilors for submitting their questions ahead of time. Clr. Camera requested staff assist with displaying the questions on the screen for future budget meetings for councilors and people watching to see. A list of these questions has been included at the end of these minutes (page 9).

Before proceeding Clr. Gaglianese asked how much the city hall budget was reduced by, since all departments were requested to reduce their budgets by 12%. City Manager Hendrix clarified that although all departments were asked to be reduced by 12%, after they were submitted many were then built back up. She clarified that there are numerous departments that make up city hall, such as finance, IT, and public works, all of which decreased their budget by the requested 12%.

**How would the Community Engagement coordinator position be defined? How does the city plan on being aggressive with grant writing and how we will measure the adding of this position?**

The city manager explained this will be a shared position between her department and the department of planning and economic development. She said the position was created out of the communications position, which was previously in the budget, along with some of the grant coordination position. This position will assist in the administration of community and economic development projects, community engagement, and as a supportive role in grant writing to create collaborations. She foresees someone who will connect the community to staff and our work back to the community. Currently communications are in small pieces of numerous departments but this would be a central point. Other things they will do is coordinate quarterly community listening sessions for various issues, support city committees to ensure full staffing and engagement, create a grant data base, develop a unified brand for the city, coordinate quarterly business exploration meetings, and implement annual community surveys to measure engagement and satisfaction. A draft of this job position is included on

pages 10-11. She stressed that the job description will need a civil service review but these are an idea of what they're looking for it to be.

Clr. Regan said she loved the idea and that it will be a full-time position, in comparison to the communications position that was shared with BID and never truly got on its feet. She asked if the coordinator would be updating the website and the email contact that is currently done? The city manager replied they would be doing a lot of that, but would broadly be covering community development, community engagement, and communications roles whereas some places may have separate positions for each of these things. She added another day-to-day task would be collecting grant information so when opportunities arise the city is prepared.

Clr. Camera asked what the cost of this position is. City Manager Hendrix explained 50% of the cost is put in the city managers budget and 50% is put in the planning and economic department. The city comptroller said it was budgeted to start in June of 2024 with half years pay being roughly \$49,000.

Clr. Gaglianese asked if grant writing would no longer be outsourced to the MRB group. City Manager Hendrix said some will still be outsourced, as this would not be a grant writer, and they would simply be helping with the beginning stages and serve a supportive role. She explained that some grants are completely outsourced, but with this vision the frontline work would be done for the actual grant writer to work with when the time comes and allow for more opportunities. David explained grants are investments and any significant grant costs \$6,000-12,000 to pursue, with a potential net profit of \$200,000-500,000. Clr. Gaglianese said he would like to know how much money was spent on grant writing within the last year and asked what strong suits the city will be looking for when the job is posted. The city manager said they want someone who is flexible, able to work with the diverse community and she feels they can improve community engagement with someone who is bilingual or multilingual to reach more people. She sees the person as being able to work with any group and pull their needs into a grant or bring it to other management staff with solutions. David added that he foresees the person being a go-getter or interactive personality and attitude.

Clr. Gaglianese asked why the city manager feels she needs this position when it hasn't existed in the past. City Manager Hendrix said the previous manager put in a communications position, which they filled but it didn't work out to our best benefit, and there was also a grants coordinator type of position in the past. She feels there have been parts of this position she's creating already, and with more of the community and council asking for communication, she feels this new role will satisfy all of those needs for the city.

Clr. Burrall clarified that the position would be roughly \$100,000 position for a full year, split between the two departments. The comptroller agreed adding that it's the approximately amount, including benefits.

Mayor Valentino asked for clarification on whether this is more of a new position or merging of positions. The city manager explained that the roles she's referred to are the communications role and a grants coordinator position. The communication position was a full-time position, with divided time shared between the city and the BID, but was not beneficial for both. The BID decided to go a different direction to serve their needs and she feels this direction will serve ours. As for the grant's coordinator, interviews were conducted but it became clear the timing wasn't right, so she believes this is a preemptive position to get the pieces moving and that role may be reevaluated in the future. That position was not funded and instead the finance clerk two position, which is shared between the assessor's office and economic planning and development, fulfills the roll of administrative grant work. They ensure there is compliance, that the reports are in on time, and extensions are submitted if needed which frees up the new position to focus more on the community engagement and communication side as well.

Clr. Gaglianese said he feels the grants shouldn't be overlooked and is important due to the current issues like flooding. He believes many opportunities have been missed and there is a lot of funding available. He

said other municipalities often get grants the city should have applied for or citizens have to find grants themselves and he feels a grant coordinator would mitigate those issues and be a better fit for the cities needs. He admitted he wasn't aware grants were as expensive to write and that's why he's interested to see how much has been spent over the span of a year. The city manager said she wanted it to be clear this position will work on grants but in the beginning stages rather than the back end of the grant writing that the coordinator position was supposed to be. She feels the city isn't at that point yet and would benefit more from having someone to do the prep work and be in the city seeing and hearing what's needed. Clr. Gaglianese asked if the original position couldn't be filled due to the competitive salaries nearby. The city manager said that may have been a factor as the county was hiring four at the same time with salaries \$25,000 over our offering price.

Clr. Burrall said he feels the value proposition is far greater than what was in the budget two years ago for the joint communication position and hopes the city can find a someone good for the role.

**Similar to the above position, how will the Safety Compliance Coordinator be measured to understand the value? Will it reference current insurance ratings based on safety results in all departments and will a metric of improvement in overall safety related to lost time be used?**

The city manager explained safety and compliance is key to everything that's done. She said over the years each department has taken on responsibilities and one department has received a small stipend for an employee to serve in the official role since it is in the charter. She proposed a three-year position that would bring together the safety and compliance programs, including working with OSHA, PESH, and other regulatory authorities, to meet requirements. She expects them to develop a program that can then be used over years to come in a more manageable way. City Manager Hendrix said she placed the position in her office for the 3-year duration because she feels it serves all departments. She explained this would not change the tax levy if taken out because it would be funded with fund balance dollars since it is not an ongoing cost. She added that Joe Venuti has worked with the county to understand what they are doing in terms of safety coordination and with Human Resources since they're all related. She said things that were talked about include: maintaining management efforts, federal and state law compliance documents, regulations and standards, tracking accident investigations to reduce injuries and property damages, establishing a committee to review all incidents and look for ways to improve, better training programs, and more.

Mayor Valentino asked if the insurance rating would change if safety goals were met and other changes were made. The city manager said there isn't an overall organizational safety rating and explained municipal insurance is different so it would be based more on a departmental level. The mayor asked if there has been an analysis done on where our safety rating is to which the city manager replied we have not and that it would be included in the new position.

Clr. Camera asked, if the role is successful and lays the groundwork, would the department heads then be able to take over now with a given consistent plan to follow. The city manager answered that it is the goal and with reviews and a coordinated response the role will transition from the person in the pilot position to management. She said while annual safety trainings are getting done this ensures the city has more coordination, monitors violations, confirms training is successful, and workplace policies are together in an accessible and searchable location. She said it isn't a consultant, because it's in house, but it's bringing someone on to look at the full scope of what can be improved or streamlined. There are a lot of systems that go into safety and compliance and she believes they could be better coordinated.

Clr. Gaglianese pointed out that the safety compliance position is quite broad, and the unions have safety officers, so he believes the backfilled DPW staffing should take precedence over this. He added that another supervisor will be retiring soon and he feels the water department has been overworked with all the water main breaks and flooding so he would rather they have the extra people to assist. Joe responded, saying he stands behind the new position, as they are always emphasizing safety first to their employees. He added that regulations change routinely, so while they do weekly toolbox talks, the rules and regulations are immense for one person to handle. He added that Mr. Jones has done a wonderful job at succession planning and they have moved employees to feel comfortable for the future so all they have to do is backfill lower positions. He went on to say the water maintenance team is required by law to have a license that makes multiple years to get so he feels comfortable with the current request that the requirements will get done.

The city manager provided the full-time equivalents for the department in 2024 to council. She said there are currently 4 full-time employees (FTE's), which will be going down to 3, because they are eliminating the engineer technician position after searching for 2 years and not receiving a viable option. She added with that elimination another position came in for a junior engineer and they will be starting next week. Within the 2024 budget she said they looked at creating an MEO trainee for the water administration. In highway and sewer maintenance they are looking at changing an MEO position to an auto mechanic trainee position for future succession planning. For buildings and grounds, she explained they are asking to create a position for an assistant supervisor, which is in the 2024 budget.

The mayor asked for the cost of the safety coordinator and if it would begin mid-year. The city manager said it would since it has to go through full civil-service review. The comptroller said it is currently scheduled to begin in March of 2024 and was estimated to be around \$75,000. The mayor asked what the projected 2025 and 2026 salary would look like, which the comptroller said would be roughly \$95,000-100,000. Mayor Valentino said he agrees the money should come out of the general fund and asked if there would be any implications since it would be going through the county. The city manager explained they would be referred under the management non-represented category, but does not know whether or not they'd be tested positions yet or when the tests would be created. She said they would have to go to the state, not just the county, and there may be a different title that appears with the same components which she assured will be shared if that arises.

Clr. Camera asked exactly how many FTEs were being added in 2024 to which the city manager replied it is going from 124.25 to 127. He said he is not against it but wanted to be sure he had it right that the cost of these positions would be roughly a couple hundred thousand in additional salaries.

Clr. Gaglianese asked how much money has been set aside for the safety coordinator position. The comptroller explained there wasn't training requests factored in but they factored in that if someone is brought on board, they can come to council mid-year for a budget amendment if there is desire for trainings that will go over budget. The city manager added that she also has another area set aside in her budget, which she reduced to meet the 12% reduction goal, but there will still be some funds there if needed or free trainings that are often available. She added that the county program is being built so many of the training opportunities can be shared or dovetailed off each other. Clr. Gaglianese asked if there is money set aside for when retirements occur and someone else needs to be licensed and trained by the health department. The city manager assured it has been incorporated and they've already gone through those processes.

The mayor said he hopes if this goes forward, the requirements and goals of this established position can help provide insight into where the issues are and how they can be corrected. The city manager said she wants to be clear that all safety and compliance is done annually and the employee currently serving in the safety role has

done a lot of work. She feels they went above and beyond; however, it shouldn't have just been an add on to a position. She said there are more pieces that can be worked on such as building safety and this will free up management to focus on their responsibilities.

**Could a five-year progression be worked in to bring the City to the same senior exemption level as the County or School (whichever is more)? What does a five-year plan to meet the County/School Senior Exemption look like? What would be the impact per year? How many seniors/homes would be impacted?**

The comptroller began by saying to provide answers for all of these questions some more research will need to be done still. She said, while we are currently at a 78% equalization rate, if we were at an 100% equalization rate it would be approximately a 1.4-million-dollar impact per year. She emphasized that is at the current income levels and she is still working to get a rough amount since there is an everchanging and increasing number of senior citizens. The city manager explained that currently the city's income levels are lower than the county and school district so when that potentially changes there will be a visible impact on the budget. She said more information will be brought next time on the topic.

**Can a more detailed breakdown of the item listed as "Lakefront Improvements - Phase VI" in Appendix F for 2024 be provided? What are the projected annual maintenance expenses for the lakefront seawall and marina?**

The comptroller explained this section is in regards to the marina project, where it is currently, and it includes design development, certified construction documents, and going out to bid for a contractor to do the project. She explained the third item, on the list in appendix F in the budget, shows a breakout between the grant and bonding for a total of 1.5 million dollars. The city manager pointed out the grant is dependent on completing the projects next year.

Clr. Camera asked if phase 6 is solely related to the marina and if so what is the complete cost. The comptroller replied that the 1.5 million is not the total cost of the marina. Clr. Camera asked what an estimated additional cost would be to the city to complete the marina. The city manager explained they do not have a final cost because the final bid documents are still going out. Joe said, based on joint permitting requirements which were just received, that consultants have given a possible projection of 4 million dollars with the current market rates and equipment costs. He explained that until a final design has been reached, he can't get an engineers estimate. Clr. Camera clarified that, if bids come in where they're expected to, with the estimate Joe provided being right, if it would roughly be an additional 2.5-million-dollar cost for the city to complete the marina. Joe added they are planning to have a bid package prepared during the winter for a spring bid to occur and have construction start in 2024. The city manager said another piece is there are a couple other opportunities, some of which they've already applied for, so it may not all be local costs. Joe continued to emphasize the 4 million estimate is a cautious ballpark figure, which includes multiple components like the pier extension, docks, and wave attenuator.

Clr. Regan mentioned that these prices are on top of everything that has been spent thus far and asked if there is an approximate amount that has already been spent. The comptroller said she believes it was roughly \$186,000 but she would have to check to be sure.

Clr. Camera mentioned that the city will need a bond, which he feels will encumber the general fund, and asked if it was right to assume it would be roughly \$100,000. The comptroller agreed that it would roughly be that, since a safe estimate would be \$35,000 a year per million of debt, and said the bonds would likely be for 20-25

years. Clr. Camera expressed concern about what the cost and resources would then be needed to maintain it in addition to the debt. David provided numbers put together by Edgewater, the consultant, with projections for occupancy, maintenance costs, and rates that can be charged. He said in the big picture they can expect approximately \$150,000 in revenue from renting the slips per year, and expect it will cost 40-50,000 to operate and maintain the facility, with an approximate of 100,000 in debt service which would basically be breaking even. He gave the caveat that this would be at the point of stabilization, as it takes time to reach a regular amount of fullness, which he expects to come by the second or third year of operation. The mayor asked if there are any calculations for further grants that may come up, and David replied there was not.

Clr. Camera said he was concerned about the amount being paid to the debt service as well as the operating and maintenance costs. David added that the maintenance costs would likely be lower than he predicted originally and go up over time. Clr. Camera said he doesn't feel the revenue will be as high as anticipated and feels there is competition for marinas. He said he was told by several people that the local marinas aren't filled by midsummer. He suggested delaying the project for a year and doing our own survey on potential revenue rather than Edgewater's. David explained that if this were to be delayed the city wouldn't receive the grant money. Clr. Camera said that he understands that but feels the city can find more grant money down the road. The city manager explained that there are direct impacts for not using the grant money, since in signing the document, the city is saying they will complete the work. She noted that they have had other grants that ended up not being feasible but they had to explain that to the grant writer and work with them. She said there could be a cost to the city if council decides not to go forward with the marina project and it could potentially impact future grants. He said while it may be a difficult discussion to cancel or postpone it he feels it would free up money in the budget to fund positions which he would like to be filled. He asked what BID and the IDA are spending on downtown, saying he feels like it is a significant amount, and if we try to do that with the marina it will be a burden that the city will continue to carry while also taking away from the FTEs that are needed.

Clr. Camera made a motion to postpone the project for a year and have the city do their own market research. The city manager said she wants it to be clear that the grant cannot be delayed, since it already has been, so if it removed for next year, she will have to notify them that we will not reach the deadline.

Clr. Gaglianese said the marina project began two councils prior and feels it should have been simple to finalize. He feels revenue creation is lacking in the city and this is a good first step. He said he's in favor of moving it forward, since he sees it as beneficial, and acknowledges there would be repercussions for backing out.

Clr. Regan defended council, explaining that a lot of the delay wasn't on them, but rather waiting for things like designs to come through. She asked if the grant money had to be returned what that amount would be. City Manager Hendrix replied that it would be anything tied to the marina project including additional funding that would tie into the \$186,000 spent thus far.

Clr. Camera said another thing to consider is the dredging of the north end of Seneca Lake, and asked if that was included in the amounts provided. Joe answered, saying it was and that the engineers initially projected a significant number of dredging requirements to build the project but the bottom of the lake has been surveyed following those conversations and the amount has substantially reduced. He said while there will still be some maintenance costs for this but it won't be as much as what was originally proposed. The city manager agreed saying the permit, which stated how often the dredging would occur, has decreased in frequency. Clr. Burrall asked what the frequency projections they provided were. The city manager said she would need to look it up to be sure but she believes it was moved out 3-5 years. Joe added that, as an example, the boat launch is allowed to be dredged once a year, at a specific time.

Clr. Camera asked what that effort costs at the boat launch and if it's an annual cost. Joe replied it is annually between \$30-40,000 depending on the equipment and company that is secured. He said that is because they are limited to the quantity of debris that can be removed and the distance due the machines can reach. Clr. Camera also asked about environmental impacts to which Joe replied a study has been done and there were no implications reported. The city manager added that the studies done have included a state review from SEQRA, federal review from NEPA, and the army core of engineer review.

### **Explain what is included in Capital Plan for "Lakefront Sea Wall" for 2026?**

Joe said the intention for the seawall in the capital project is to improve the existing wall which is approximately 5,200 ft of stone from the tunnel by 5&20 until the state park. He added it includes out the long pier and back as well as around the boat launch. He said it requires maintenance, and neglecting it will result in failures and needing costly repairs. The last large maintenance repairs to the seawall he could find in city records date back to 1950, when the state and city argued about whose responsibility it was to maintain. A couple years ago he estimated it was approximately a 3-million-dollar project to improve it, from digging to the bottom improving the vertical wall structure all the way up.

As for maintenance he would guess conservatively it would be about \$8-12 per foot, so over a year a rough cost of \$50-70,000. Clr. Camera asked if that was \$50-70,000 a year to properly maintain once it is rebuilt? Joe responded that they are currently maintaining some but he would guess, based on what they have currently been doing, that would be the yearly cost. Clr. Camera proposed the question of whether it would be better to replace what needs fixing or build something new that's not necessarily needed.

### **Can the city dedicate an amount to the Solar Eclipse Event, perhaps up to \$5,000?**

City Manager Hendrix began by explaining the eclipse, which will occur on April 8<sup>th</sup>, 2024, is going to be on a Monday with several events planned for the weekend prior. At this point she said there are only non-city events planned but there likely will be a need for city resources and employees. They believe there will be a regional impact, with 20,000-200,000 people coming to the city that day, and the main goal of the event is safety. She explained some concerns the city has, based on what has happened in other places, are people deserting their vehicles in the middle of roadways, stopping in roads to watch, and the large influx of people.

She said she is looking at both sides, saying it can be a successful weekend with great events, but there will also need to be plans in place and lots of staffing. She's already seen hotels filling up, and people have already reached out about using the lakefront for viewing. She said the weather is also a factor, since it will be April, and could either be sunny, raining, or feet of snow. This will play a part in how the lakefront is used, and if it should be used only for viewing, or allowing parking with a set fee since it will ruin the grass.

She mentioned there are groups that will be hosting community information sessions, with speakers, and use their funding to provide glasses for citizens. She added that our welcome center, and others in the region, will also be receiving funds and will likely be doing something small. They still have to look at staffing demands, which makes her cautious to provide additional funding, because they will likely already be providing parking, restrooms, overtime, and potentially paying to repair damages due to volume of people.

Clr. Camera asked how much money would we be likely putting in for maximum safety. The city manager replied that it depends what the city decides to commit to, but once it is tied altogether, she believes it would be under \$10,000. Joe added that port-a-potties would likely need to be rented, along with message boards, additional traffic cones, and staff supporting police and fire departments. He explained when it happened in

Oregon in 2017 there were 30-to-40-mile backups due to abandoned vehicles and banks and gas stations going empty.

Clr. Camera asked if the county would devote resources to the city since our population is the largest on this side of the county. The city manager explained the eclipse will be over the whole county so it will be a large event for everyone to undergo. She noted that the school has extended their spring break by a day so they will not be in session on April 8<sup>th</sup> during the eclipse. She said a concern is that port-a-potties have already become difficult to source for that day so these challenges may increase expenses.

City Manager Hendrix said another piece is communicating laws and permits with residents to answer questions such as what is acceptable in terms of parking on lawns, selling lawn space, and parking RVs.

Clr. Regan said she is excited, both for the people who live here, and the people who will come to visit for the first time. She thinks it's important to push out education and encourage community gathering.

Clr. Burrall asked if there is an estimate for when people will arrive or leave after the event. Joe replied there is the benefit that tourist have a chance to get here early and enjoy the area, however they historically try to all leave at once which can cause issues.

The city manager encouraged anyone who wishes to have an event to go through the city process and agreed with the mayor that boating may be a challenge and is something to consider.

### 3. ADJOURNMENT

**ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Brimm**

**MOVED THAT the meeting be adjourned at 8:45pm**

**MOTION CARRIED UNANIMOUSLY (7 – 2 absent)**

*Nicole Wright*

City Clerk



## **Geneva City Council Agenda Item Briefing**

To: Geneva City Council

From: David West, Director of Planning and Economic Development

Meeting Date: November 1, 2023

Item Title: FIRST READING OF REPEAL AND REPLACE ZONING ORDINANCE CHAPTER 350

---

### **Action Required:**

City Council voted on October 4 to act as Lead Agency in SEQR Review of the Zoning Update and to schedule a public hearing on the proposed ordinance for 7pm on November 1, 2023 at the regularly scheduled City Council Meeting.

Following the public hearing, approval will complete the first reading of this ordinance to repeal and replace the City Code Chapter 350 – Zoning implementing the Zoning Update process that started with the 2016 Comprehensive Plan.

Future steps toward adoption will include:

Review of Comments from County Planning Board – The County Planning Board will review the Code Update at their November 8 meeting and provide feedback in late November or early December.

SEQR review – This is a Type 1 Action and requires completion of a Full Environmental Assessment Form. This action can take place at the December 6 Council meeting but City Council may also consider scheduling a special meeting specifically for the purpose of that review.

Second Reading/Final Adoption – this may be possible December 6 but Council may consider scheduling a special meeting for completing SEQR and finalizing adoption.

### **Office of the City Manager**

Amie Hendrix

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456  
(315) 789-2603 - FAX (315) 789-0604 – ahendrix@geneva.ny.us - www.cityofgenevany.com

**Background:**

In 2016 the City of Geneva adopted a new Comprehensive Plan that called for replacement of the zoning ordinance. The Comprehensive Plan calls for repeal and replacement of the existing zoning with a Form Based Code or a Hybrid Code and lays out a number of major initiatives and goals that should be supported by the zoning update. In 2019 the City began the work of updating the code with a Steering Committee designated by Council. A Draft Code was publicized in October of 2020 and a public hearing was held the following month. Work continued into 2023 incorporating feedback and amendments from the community including key stakeholders like the Geneva Business Improvement District and, toward the end of the year engagement in several zoning work group meetings to hash out final details and come to a general consensus.

The attached ordinance has been updated based on the feedback given at Council's October 4 meeting to remove the section allowing chickens and instead add chickens to the list of animals that may not be kept in the City of Geneva, and to add Multifamily Residential with 7-12 units to the list of uses allowed by Special Permit in the Neighborhood Business zone.

**Financial Impact:**

Adopting the Zoning Update will necessitate the expenditure of approximately \$7,000 to update the City's physical and e-code versions of the Code of the City of Geneva. However, failing to update the zoning is likely to have much greater negative fiscal impact including stifling the tax base and leaving the door open to a number of potential lawsuits due to outdated, contradictory, and/or illegal zoning requirements.

**RESOLUTION # 51 – 2023**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 350 OF THE GENEVA**

**CITY CODE**

Be it enacted by the City Council of the City of Geneva, NY as follows: that Chapter 350 of the Geneva City Code be repealed and replaced with the Chapter 350 text, tables, map and images contained on the following pages.

This ordinance is enacted pursuant to the New York State Constitution, Municipal Home Rule, General City Law, and the City of Geneva's police power to regulate the use of land and structures for the protection of the health, safety, welfare, comfort, peace and prosperity of the City and its inhabitants. This ordinance is adopted in conformance with the City of Geneva Comprehensive Plan to connect the City's values--which include stewardship of natural resources, a strong economy, its "uniquely urban" setting and sense of community, multicultural heritage and the local arts, architectural and recreational assets--with its vision of being a "Beautiful, Prosperous, Equitable, Connected and Sustainable" city.

**Effective Date**

This Ordinance, repealing and replacing the Geneva City Code Chapter 350, shall take effect immediately upon adoption by the City Council.



## **Geneva City Council Agenda Item Briefing**

To: Geneva City Council

From: David West, Director of Planning and Economic Development

Meeting Date: November 1, 2023

Item Title: FIRST READING OF AN ORDINANCE AMENDING CHAPTER 351-3 OF THE GENEVA CITY CODE

---

### **Action Required:**

Declaration of Lead Agency – SEQR

Schedule Public Hearing on December 6, 2023 before Second Reading

Approve First Reading with or without changes

### **Background:**

In 1998 the City of Geneva adopted a Master Plan that included a variety of recommendations for supporting the future of the City. One of the foundational recommendations was the creation of a Traditional Urban Design District (TUDD) as an overlay on dense downtown areas that predated the era of auto-dependence. The TUDD imposes a variety of restriction on changes to historic buildings to protect these areas as an amenity and part of the cultural heritage of the community and also provides an exemption from minimum parking requirements in the underlying zoning that clash with historic practices for those areas and are impractical to meet without destroying the best qualities of those areas.

The 2016 Comprehensive Plan recommended strengthening the TUDD design guidelines and removing minimum parking requirements entirely. While a full removal of minimum parking requirements wasn't politically feasible, extending the TUDD to cover more of the areas that are characterized by the high density and high level of walkability that is indicative of Geneva's historic core forwards the goals of the plan and allows for continued investment in the South Main and Pulteney Park vicinity.

### **Financial Impact:**

None

### **Office of the City Manager**

Amie Hendrix

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456

(315) 789-2603 - FAX (315) 789-0604 – ahendrix@geneva.ny.us - www.cityofgenevany.com

**RESOLUTION #52 2023**  
**AN ORDINANCE AMENDING CHAPTER 351-3 OF THE GENEVA CITY CODE**

Be it enacted by the City Council of the City of Geneva, NY as follows: that Chapter 351-3 of the Geneva City Code be amended to reference the attached map extending the boundaries of the Traditional Urban Design District to include the historic dense small-lot urban fabric centered on Pulteney Park in recognition of the area's important and historic contribution to downtown Geneva's walkability and accessibility.

Be it further enacted that the attached map shall be the authoritative document defining the boundaries of the Traditional Urban Design District, that interpretation of this map shall conform to Chapter 350-1.3 Interpretation of District Boundaries, and that the Metes and Bounds description of the TUDD in Chapter 351-3 shall be edited as follows.

§ 351-3 Creation of Traditional Urban Design District as overlay zoning district.  
The boundaries of the TUDD are delineated on the attached map. The boundaries constitute the core area of Geneva's downtown as it developed in the late nineteenth through early twentieth century.

~~BEGINNING at a point that marks the intersection of the west line of Exchange Street and the south line of the railroad tracks; thence southerly encompassing all properties that front on the west line of Exchange Street to a point which marks the intersection of the west line of Exchange Street and the north line of Castle Street; THENCE westerly encompassing all properties that front the north line of Castle Street to the southwest corner of property known as 244 Main Street (the Public Library);~~  
~~THENCE southerly encompassing all properties that front the west line of Main Street to a point which marks the intersection of the west line of Main Street and the north line of William Street;~~  
~~THENCE easterly across Main Street to the southwest corner of property known as 357 South Main Street (Civic Center);~~  
~~THENCE easterly encompassing all properties that front on the south line of Seneca Street to a point which marks the intersection of the south line of Seneca Street with the east line of South Linden Street;~~  
~~THENCE southerly along the east line of South Linden Street to a point which marks the intersection of the east line of South Linden Street and the north line of Elizabeth Blackwell Drive;~~  
~~THENCE easterly encompassing all properties that front the north line of Elizabeth Blackwell Drive to a point which marks the intersection of the north line of Elizabeth Blackwell Drive and the west line of Routes 5&20 (Lakefront Drive);~~  
~~THENCE northerly along the west line of Routes 5&20 to a point which marks the intersection of the west line of Routes 5&20 and the north line of Lake Street;~~  
~~THENCE westerly encompassing all properties except the railroad that front the north line of Lake Street to a point which marks the intersection of the north line of Lake Street and the east line of Exchange Street;~~

~~THENCE northerly encompassing all properties along the east line of Exchange Street that front the east line of Exchange Street to a point which marks the intersection of the east line of Exchange Street and the south line of the railroad tracks;~~

~~THENCE westerly along the south line of the railroad tracks to the point and place of beginning.~~

This ordinance is enacted pursuant to the New York State Constitution, Municipal Home Rule, General City Law, and the City of Geneva's police power to regulate the use of land and structures for the protection of the health, safety, welfare, comfort, peace and prosperity of the City and its inhabitants. This ordinance is adopted in conformance with the City of Geneva Comprehensive Plan to connect the City's values--which include stewardship of natural resources, a strong economy, its "uniquely urban" setting and sense of community, multicultural heritage and the local arts, architectural and recreational assets--with its vision of being a "Beautiful, Prosperous, Equitable, Connected and Sustainable" city.

#### **Effective Date**

This Ordinance shall take effect immediately upon adoption by the City Council.

# CITY OF GENEVA

## Traditional Urban Design District (TUDD) Map



**RESOLUTION # 53 – 2023**

**RESOLUTION DECLARING AN ORDINANCE AMENDING SECTION 351-3  
OF THE GENEVA CITY CODE AS A TYPE I ACTION AND DECLARING INTENT  
TO ACT AS LEAD AGENCY FOR ENVIRONMENTAL REVIEW**

**WHEREAS**, the City of Geneva first adopted the Traditional Urban Design District (TUDD) overlay zone as Chapter 351 of the City Code in 2007; and

**WHEREAS**, the TUDD serves to protect historic downtown urban form; and

**WHEREAS**, the 2016 Comprehensive Plan hails the success of the TUDD and calls for its strengthening as well as an expansion of some of its provisions to a broader and more inclusive geography; and

**WHEREAS**, the Geneva City Council directed staff to develop an amendment to the existing TUDD expanding it to include the dense townhomes on South Main and the similar development pattern around the vicinity of Pulteney Park;

**NOW, THEREFORE, BE IT RESOLVED AND DECLARED** by the Geneva City Council that the proposed amendment to Section 351-3 of the Geneva City Code is a Type I action as defined in 6 NYCRR section 617.4 subdivision (b) (2), and it is further

**RESOLVED**, that the Geneva City Council declares its intent to act as Lead Agency concerning SEQRA review of the proposed amendment to Section 351-3 of the Geneva City Code, and directs staff to publish appropriate notifications and notice to potential involved agencies and interested parties.

## **RESOLUTION # 54 – 2023**

### **RESOLUTION SCHEDULING A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE GENEVA CITY ZONING CODE PROVISION CONCERNING ITS TUDD OVERLAY ZONE**

**WHEREAS**, the City of Geneva first adopted the Traditional Urban Design District (TUDD) overlay zone as Chapter 351 of the City Code in 2007; and

**WHEREAS**, the TUDD serves to protect the City's historic downtown urban form; and

**WHEREAS**, the 2016 Comprehensive Plan hails the success of the TUDD and calls for it's strengthening as well as an expansion of some of its provisions to a broader and more inclusive geography; and

**WHEREAS**, the Geneva City Council directed staff to develop an amendment to the existing TUDD expanding it to include the dense townhomes on South Main and the similar development pattern around the vicinity of Pulteney Park; and

**WHEREAS**, the Geneva City Council did declare itself as Lead Agency for the SEQRA review of the TUDD expansion amendment at its November 1, 2023 Council Meeting; and

**WHEREAS**, General City Law Section 83 requires notice and a public hearing be held in connection with the adoption of an ordinance amending the City's zoning regulations and districts.

**NOW, THEREFORE, BE IT RESOLVED** by the Geneva City Council that a public hearing concerning the proposed attached TUDD expansion shall be held on December 6, 2023 at 7:00 p.m., and it is further

**RESOLVED THAT** the City Clerk be and she hereby is directed to publish notice of said public hearing and other notification as required by law.



## **Geneva City Council Agenda Item Briefing**

To: Geneva City Council

From: David West, Director of Planning and Economic Development

Meeting Date: November 1, 2023

Item Title: RESOLUTION APPROVING LICENSE OF LAND FROM IDA TO CITY FOR GREENWAY TRAIL ADA RAMP

---

### **Action Required:**

City Council should vote to approve the attached resolution authorizing the City Manager to enter into a contract to receive a license to use land owned by the Geneva IDA in joint partnership with the Ontario County IDA, and the City of Geneva.

### **Background:**

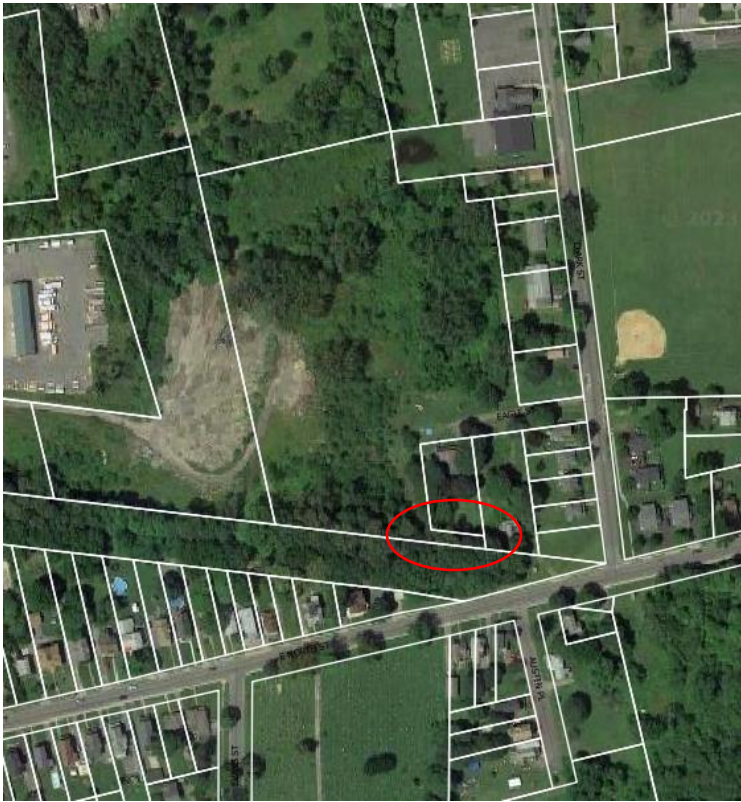
Parcel 91.17-1-25.100 was given to the City of Geneva IDA in 1997 by the Ontario County IDA and it held in partnership with the City IDA, City of Geneva, and Ontario County IDA as a part of the Industrial Park Partnership. This parcel is being held for future development but is currently largely used by the City of Geneva Department of Public Works for staging of materials associated with other projects. Parcel 91.17-1-25.100 is approximately 8 acres in size and includes a small tail at the southern end that slips behind an adjacent residential parcel.

**Office of the Director of Planning and Economic Development**

David West

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456

(315) 789-2603 - FAX (315) 789-0604 – [ahendrix@geneva.ny.us](mailto:ahendrix@geneva.ny.us) - [www.cityofgeneva.ny.us](http://www.cityofgeneva.ny.us)



This area, approximately 0.07 acres in size is needed as part of an access ramp designed to make the rail to trail greenway accessible to people who cannot use the current stairs. Funding and organization for the ramp project has been coordinated by the Friends of the Greenway and Blueprint Geneva at no cost to the City.

Once the design was complete, city staff realized that a portion of the ramp was on land that is not wholly owned by the City, but is held by the City of Geneva IDA in partnership with the City of Geneva and Ontario County IDA. The proposed resolution authorizes the City to enter into a licensing agreement with the other partners so that the project can move forward as soon as possible. Eventually staff recommend that the area needed for the ramp be subdivided and combined with the trail parcel but we do not want to delay the construction project and the other partners seem open to the expeditious arrangement. The 0.07 acres does not serve the current or any envisioned future use of the main parcel.

A draft design document showing the specific land needed is included in the attached draft license agreement.

**Financial Impact:**

None.

## **LICENSE AGREEMENT**

This License Agreement (this “Agreement”) is made as of the [ ] day of November, 2023 (“Effective Date”), by and between CITY OF GENEVA INDUSTRIAL DEVELOPMENT AGENCY, a public benefit corporation incorporated under the laws of the State of New York, with an address of 47 Castle Street, Geneva, New York 14456 (“IDA”) and CITY OF GENEVA, a municipal corporation, having an office at with an address of 47 Castle Street, Geneva, New York 14456 (“City”).

WHEREAS, IDA is fee title holder of an approximate 8 acre parcel of land located at Eagle St. having a tax map number of 91.17-1-25.100 (“Tax Parcel”); and

WHEREAS, CITY is seeking to construct an Americans with Disabilities Act (“ADA”) compliant ramp at the corner of Clark Street and East North Street to provide ingress and egress to the pedestrian railbed greenway trail (“ADA Ramp”); and

WHEREAS, the identified location for the proposed ADA Ramp is on a an approximate 0.07 acre corner portion of the Tax Parcel owned by the IDA as more particularly described in Exhibit A attached hereto (the “Premises”); and

WHEREAS, CITY requested from IDA permanent use of the Premises for the ADA Ramp; and

WHEREAS, in the mutual interest of not delaying the ADA Ramp project, the IDA and CITY determined that it is in their respective best interests to enter into a license agreement for the CITY’s temporarily use of the Premises until a permanent solution can be achieved through a mechanism such as a permanent easement or a subdivision and transfer of fee title to the Premises from the IDA to the CITY; and

NOW, THEREFORE, in consideration of the foregoing recitals, which are hereby incorporated by reference, and in further consideration of the mutual terms, covenants and conditions herein contained, the Parties agree as follows:

### **ARTICLE I**

#### **Definitions**

As used in this Agreement, the following capitalized terms are defined as follows:

“Licensed Premises” means that portion of the Real Properties encumbered by license rights granted to CITY pursuant to this Agreement and depicted on the Licensed Premises Map a copy of which is attached hereto as Exhibit “A”.

“Party” means IDA or CITY as the context requires. “Parties” shall be construed accordingly.

“Permitted Use” means, utilizing Premises for pre-construction, construction and maintenance of the ADA Ramp, including pedestrian ingress and egress to the railbed greenway trail.

“Permittee” means CITY’s agents, contractors, subcontractors, visitors, invitees, licensees and such other persons claiming by, through or under the CITY.

“Real Property” means the Tax Parcel as defined above and located in the City of Geneva, County of Ontario.

## **ARTICLE II**

### **CITY’s License Rights**

**SECTION 2.01 Grant of License Rights to CITY.** Subject to the terms and provisions of this Agreement, IDA, as owner of the Real Property, hereby grants to CITY a license to enter upon and use the Licensed Premises solely for the Purposes. CITY expressly acknowledges and agrees that this grant is subject to any existing liens, and that IDA makes no covenant, guaranty or warranty, express or implied, with respect to the condition, safety, fitness or suitability of the Licensed Premises for any purpose, and CITY hereby expressly waives any such warranties, and acknowledges that the Licensed Premises is and shall be made available pursuant to this Agreement, subject to the terms and conditions hereof, “AS IS, WHERE IS, WITH ALL FAULTS AND HAZARDS”, to be used by CITY at its sole risk. CITY has not relied on nor will it rely on, nor shall IDA be liable for or bound by any express or implied warranties, guaranties, covenants, statements, representations, or information pertaining to the Real Property, Licensed Premises or relating in any manner to this Agreement made or furnished by IDA or any employee representing or purporting to represent IDA, to whomever made or given, directly or indirectly, orally or in writing. CITY acknowledges that to the extent any such statement was made or information was furnished, the same was made or furnished as an accommodation only. CITY assumes the risk that adverse matters may exist, including adverse physical and environmental conditions, the unsuitability of the Licensed Premises for the Permitted Use contemplated hereby, and, to the fullest extent permitted by law, CITY shall be deemed to have waived, relinquished, and released IDA and its affiliated corporations and other entities and its or their respective, successors, assigns, officers, directors, shareholders, employees, attorneys and agents, from and against any and all claims, demands, causes of action, losses, damages, liabilities, costs and expenses (including attorneys’ fees and expenses) of any and every kind or character, known or unknown, which CITY might have asserted or alleged against any of them, at any time by reason of or arising out of any latent or patent physical conditions, violations of applicable Laws, unsuitability of the Licensed Premises for CITY’s intended use pursuant to this Agreement, and any and all other acts, omissions, events, circumstances, or matters relating in any manner thereto.

(a) Purposes. The license hereby granted to CITY over, under and across the Licensed Premises shall be for the purposes of permitting CITY to conduct the Permitted Use so long as the Permitted Use is allowed pursuant to applicable Laws.

## **ARTICLE III**

### **IDA Reserved Rights**

SECTION 3.01 Affirmative Rights Reserved by IDA. CITY agrees that it has obtained its license rights hereunder subject to the following rights reserved by IDA, provided that IDA, in the exercise of the reserved rights set forth in paragraphs (a) and (b) of this Section 3.01, shall not unreasonably interfere with CITY's use of the Licensed Premises:

(a) Access. The right to have pedestrian, vehicular and machinery ingress and egress through the Licensed Premises; all to the extent necessary or desirable for IDA to continue to use the Real Property in the same manner that IDA is using the Real Property as of the Effective Date, including but not limited to, inspection, preparing and marketing the Real Property for development and/or sale.

(b) Repair, Maintenance and Study. The right to use those portions of the Licensed Premises as may be necessary to repair, maintain, restore or study any portion of the Real Property.

## **ARTICLE IV**

### **Term**

The term of this Agreement shall commence upon the Effective Date and expire upon the earlier of (i) the date on which the Parties close on a conveyance of permanent property rights in the Licensed Premises to the CITY; or (ii) the date the Parties terminate this Agreement in accordance herewith.

## **ARTICLE V**

### **Use of Licensed Premises**

SECTION 5.01 **Repair and Maintenance**. Except to the extent arising directly and solely out of the negligence or intentional misconduct of IDA, its agents, contractors or employees, CITY shall, at CITY's sole expense, perform, or cause to be performed all repair, maintenance and replacement activities on the Licensed Premises, to keep the same in good and safe condition during the term of this Agreement. CITY's repair, maintenance and replacement obligations shall survive any expiration or termination of this Agreement for any items requiring repair, maintenance or replacement identified during the term of this Agreement.

SECTION 5.02 **Use of Licensed Premises**. During the performance of any activities (i) by CITY pertaining to the Permitted Use, or (ii) by either Party that are otherwise permitted or required under this Agreement, the other Party shall, to the extent reasonably practical, continue to have the right, at its own risk, to use the affected portion of the Licensed Premises for the purposes contemplated herein; and the Party performing such activities shall, to the extent reasonably practical, keep such portion of the Licensed Premises free of obstructions,

and shall implement such other safety and similar measures as may be required by applicable Laws or reasonably necessary from time to time to assure the other Party's access to and use of the Licensed Premises as set forth herein.

**SECTION 5.03 General Use Conditions.** CITY shall be responsible for ensuring that any of its Permittees performing work or exercising rights under this Agreement shall comply with all obligations imposed upon CITY by this Agreement. CITY shall not use, cause or permit to be used, any portion of the Licensed Premises in such a manner so as to reduce, injure, overload, deface, harm or impair the applicable portion of the Licensed Premises, so as to allow or suffer any waste thereof, or so as to commit any nuisance by its use thereof. Any damage caused by CITY or its Permittees in violation of this provision shall be promptly repaired by CITY. CITY shall not materially adversely affect, materially impose a burden on, or substantially interfere with IDA's use of the Real Property.

**SECTION 5.04 Compliance with Law.** CITY shall use the Licensed Premises in accordance with applicable Laws.

**SECTION 5.05 Safety.** CITY shall be solely responsible for the safety and supervision of its Permittees.

## **ARTICLE VI**

### **Environmental Release**

**SECTION 6.01 Environmental Release.** CITY shall notify IDA in writing of the Release of any Hazardous Materials. CITY shall: (i) provide the notice as soon as practicable, provided CITY makes a good faith effort to provide the notice no later than twenty-four (24) hours after CITY becomes aware of the Release; and (ii) promptly furnish to IDA copies of any publicly available reports filed with any Governmental Authority addressing such Release.

## **ARTICLE VII**

### **Miscellaneous Provisions**

**SECTION 7.01 Early Termination.** Either Party shall have the right to terminate this Agreement for any reason upon at least thirty (30) days' prior written notice to the other Party. Should CITY fail or neglect to perform or comply with any term or provision of this Agreement on its part to be performed, IDA may give written notice to CITY thereof in accordance with Section 7.02 hereof, specifying the nature of such failure or neglect; and if such failure or neglect continues after the expiration of thirty (30) days after giving CITY such notice, this Agreement may be terminated by IDA, which termination shall be deemed a termination for cause. Upon termination for any reason provided herein, this Agreement shall become null and void, CITY's privileges hereunder shall forever cease and terminate and be in all respects forfeited, and IDA shall, in its sole discretion, determine the extent to which CITY shall be required to restore the Licensed Premises to as near as the condition existing on the Effective Date as practical, normal wear and tear excepted, and IDA shall provide written notice to CITY of such determination

(“Restoration Notice”). Promptly following its receipt of the Restoration Notice, CITY shall perform the required restoration work at the sole cost and expense of CITY such that the Real Properties (including the Licensed Premises) is left in a neat, safe, and orderly condition. If CITY fails to perform the restoration work as required by IDA, IDA may effect restoration and demand and collect the cost thereof from CITY.

**SECTION 7.02 Notices.** All notices and other communications hereunder shall be in writing and shall be deemed given if delivered personally or mailed by overnight courier or registered or certified mail (return receipt requested), postage prepaid, to the Parties at the following address (or at such other address for a Party as shall be specified by like notice; provided that notices of a change of address shall be effective only upon receipt thereof):

(a) If to CITY, to:

CITY OF GENEVA  
47 Castle Street  
Geneva, New York 14456  
Attn:  
Email:

(b) If to IDA, to:

CITY OF GENEVA INDUSTRIAL DEVELOPMENT AGENCY  
47 Castle Street  
Geneva, New York 14456  
Attn: Anne Nenneau, Chair  
Email: anenneau@ccnintl.com

with a copy to:

HARRIS BEACH, PLLC  
677 Broadway, Suite 1101  
Albany, New York 12207  
Attn: Robert J. Ryan, Esq.  
Email: rryan@harrisbeach.com

**SECTION 7.03 Amendment and Modification; No Assignment or Transfer.** This Agreement may be amended, modified or supplemented only by an instrument in writing signed on behalf of each Party hereto. This Agreement may not be assigned or transferred, voluntarily, involuntarily or by operation of law, in whole or in part, by either Party and any such purported assignment or transfer shall be void.

**SECTION 7.04 Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of New York (regardless of the laws that might otherwise govern under applicable principles of conflicts of law).

**SECTION 7.05 Counterparts.** This Agreement may be executed in counterparts, each of which will be deemed an original, but all of which together shall constitute one and the same instrument. In order to expedite the transaction contemplated herein, signatures transmitted by an electronically reproduced image may be used in place of original signatures on this Agreement. IDA and CITY intend to be bound by the signatures on the electronic reproduction, are aware that the other Party will rely on such signatures, and hereby waive any defenses to the enforcement of the terms of this Agreement based on the form of signature

**SECTION 7.06 Entire Agreement.** This Agreement constitutes the entire agreement and understanding of the Parties in respect of the rights contemplated by this Agreement. There are no restrictions, promises, representations, warranties, covenants or undertakings other than those expressly set forth or referred to herein.

**SECTION 7.07 Indemnification.**

(a) To the fullest extent allowed by Law, CITY hereby assumes all risk of and shall indemnify, defend, and save harmless IDA, its agents, employees, directors, officers, trustees, affiliates and representatives or invitees from and against any loss, lien, damage (including environmental damage), injury or death to persons or property, penalty, liability, cost, suit, charge, expense (including reasonable attorneys' fees and court costs) or cause of action (collectively, "Loss"): (i) arising out of or in any way connected with any breach by CITY of its obligations hereunder, (ii) any work or activities conducted by CITY and/or its Permittees pursuant hereto, or (iii) otherwise connected with any access to or presence on the Real Property by CITY and/or its Permittees during the term of this Agreement, including any Release, whether occasioned by negligence or otherwise. This indemnification obligation shall survive any termination or expiration of this Agreement.

*[No further text on this page; signature pages to follow]*

IN WITNESS WHEREOF, IDA and CITY have caused this Agreement to be signed by their respective duly authorized officers or representatives as of the date first above written.

CITY OF GENEVA INDUSTRIAL  
DEVELOPMENT AGENCY

By: \_\_\_\_\_  
Name: Anne Nenneau  
Title: Chair

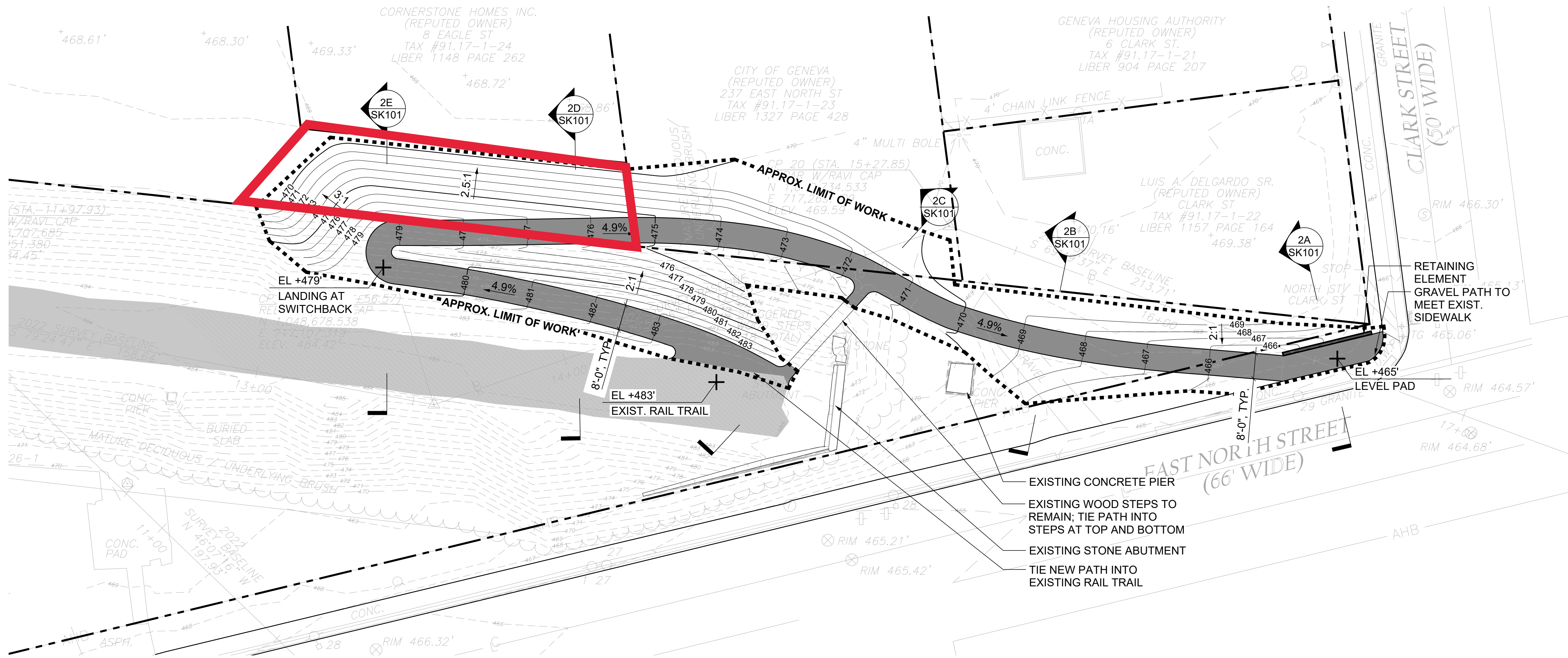
CITY OF GENEVA

By: \_\_\_\_\_  
Name:  
Title:

Exhibit A

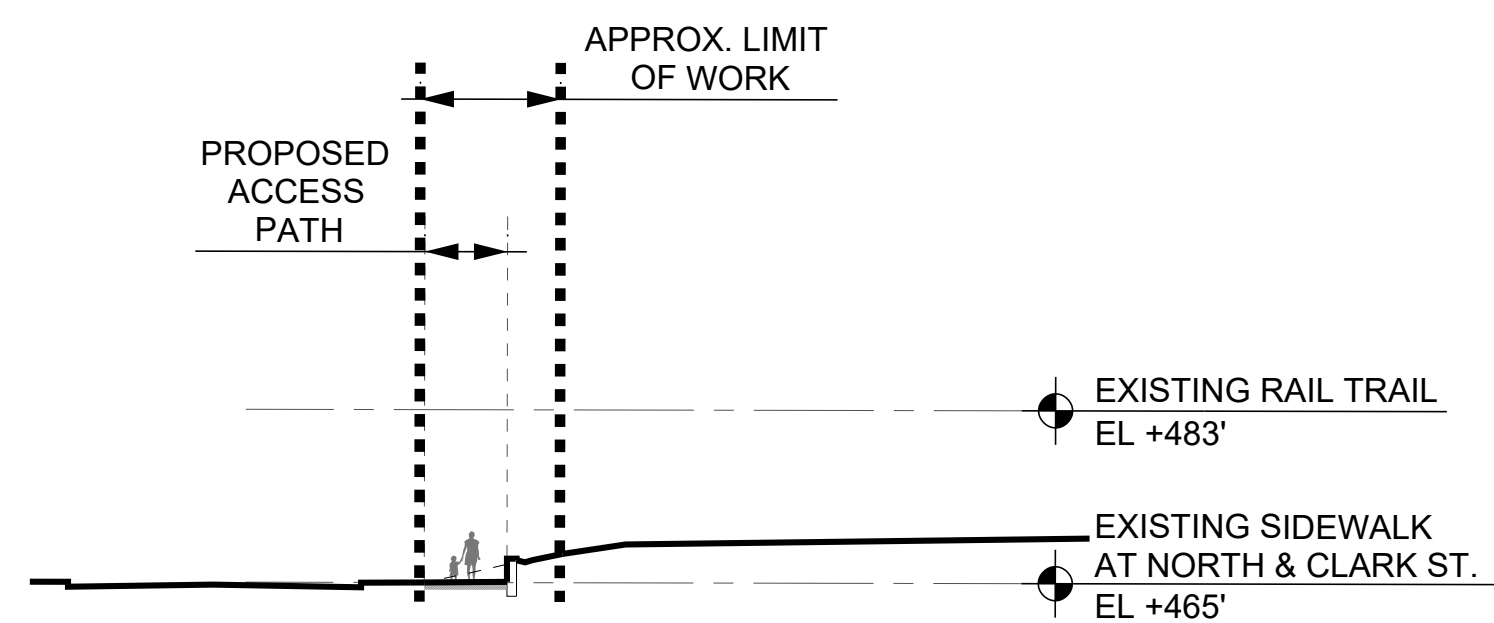
Licensed Premises

[See attached.]

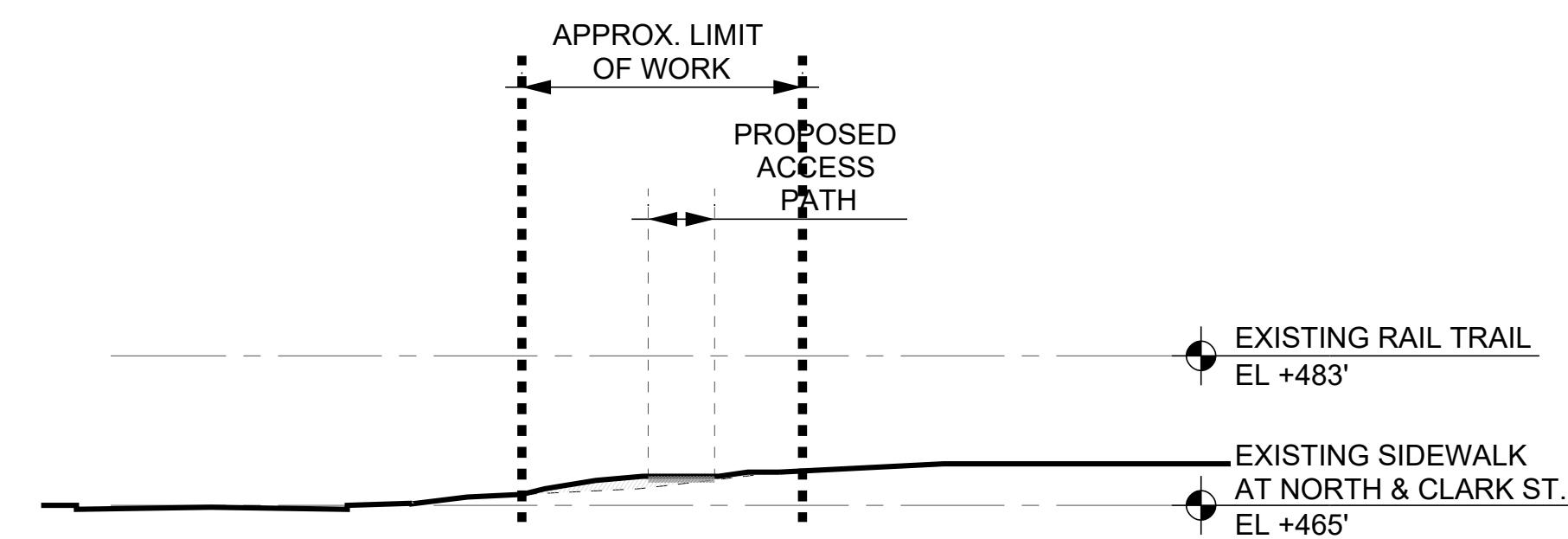


1. PROPOSED ACCESS PATH TO MEET THE REQUIREMENTS OF 'OUTDOOR RECREATION ACCESS ROUTES' (ORAR'S) AS DEFINED BY AMERICANS WITH DISABILITIES ACT ACCESSIBILITY DESIGN GUIDELINES (ADAAG)
2. THE PATH'S SURFACE SHALL BE COMPOSED OF CRUSHED GRANITE, 1/2" SCREEN MAX AND COMPACTED TO MEET THE 'FIRM AND STABLE' REQUIREMENTS OF 1016.2 AND 1017.2 OF THE ADAAG
3. THE PATH SHALL HAVE A MAXIMUM RUNNING SLOPE OF 1:20
4. THE PATH'S CROSS SLOPE SHALL NOT EXCEED 1:48
5. THE PATH SHALL BE 8' WIDE, U.N.O.

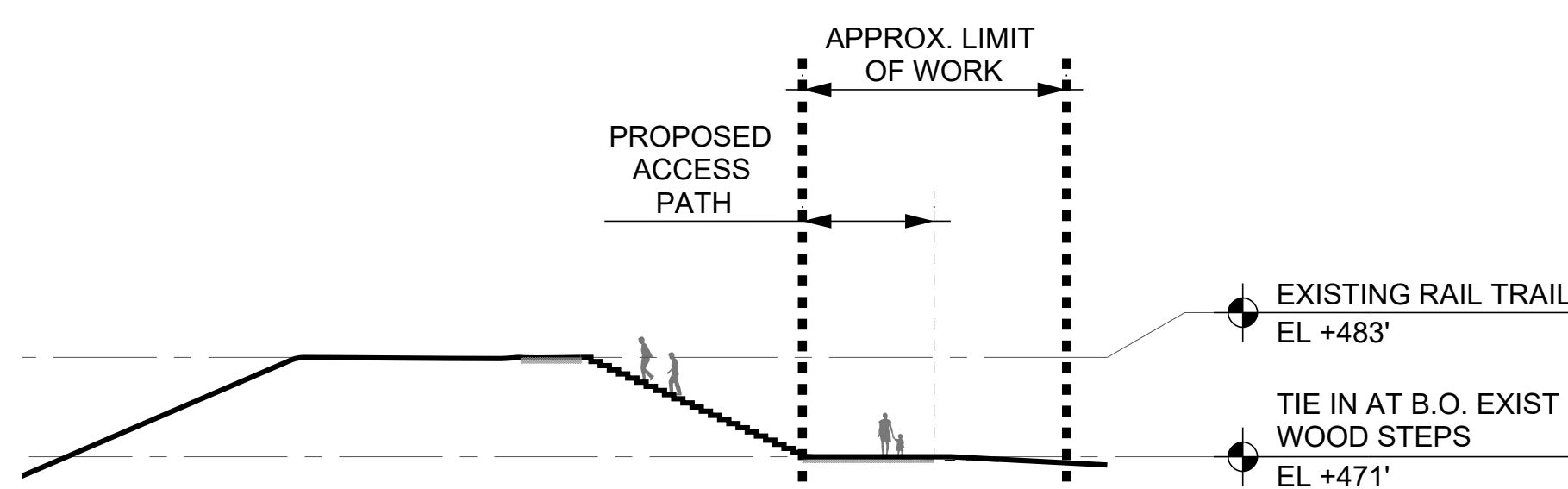
SCALE: 1" = 20'



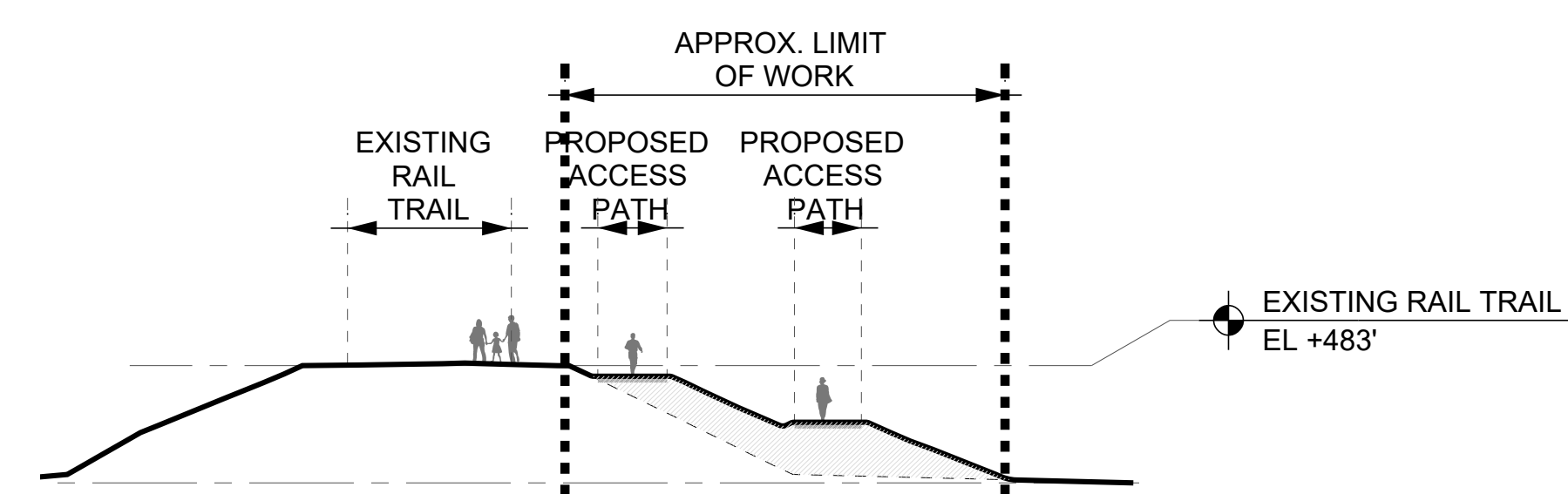
**A - SECTION AT SIDEWALK TIE IN**



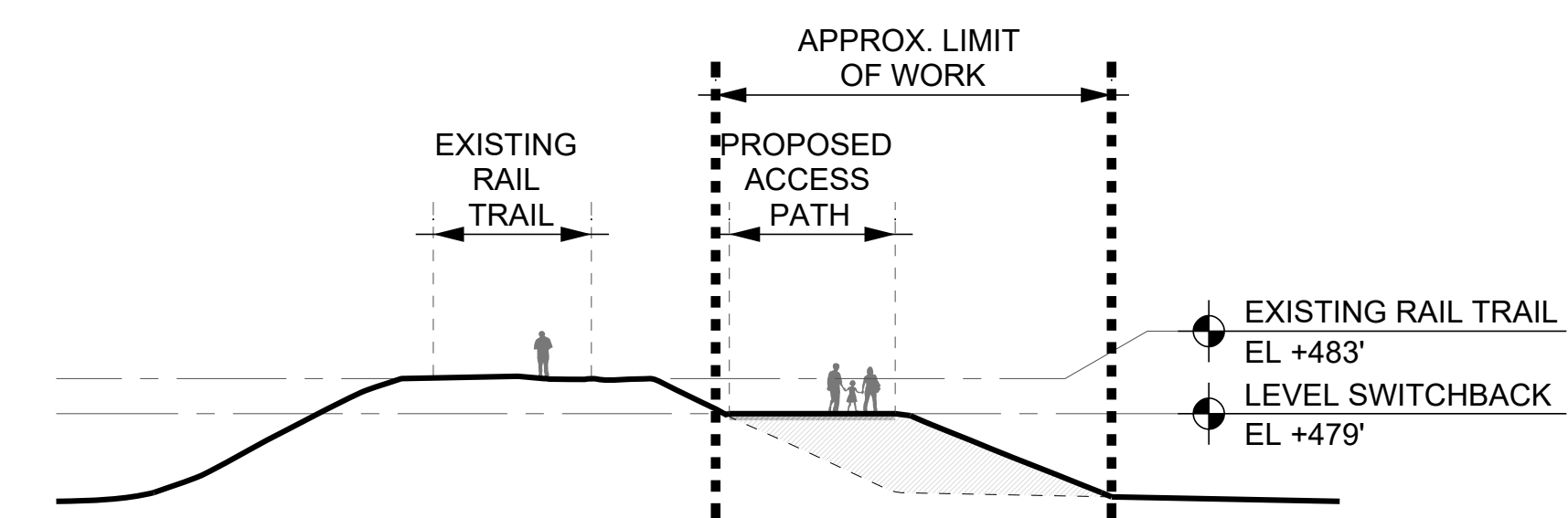
**B - SECTION ALONG NORTH STREET**



**C - SECTION AT TIE IN WITH EXIST. WOOD STEPS**



**D - SECTION ALONG RAIL TRAIL**



### E - SECTION AT PATH SWITCHBACK

SCALE: 1" = 20'

| NO. | DATE | REVISIONS |
|-----|------|-----------|
|-----|------|-----------|

5/31 DRAFT

FOR INTERNAL  
REVIEW

NOT FOR  
CONSTRUCTION

DRAWN BY:

PROJECT NO.:

SCALE:

DATE:

PAGE NO:

DRAWING TITLE:

## SITE PLAN & CROSS SECTIONS SKETCHES

DRAWING NUMBER:

# SK-101

**RESOLUTION # 58 – 2023**  
**APPROVING LICENSE OF LAND FROM IDA TO CITY FOR GREENWAY TRAIL ADA RAMP**

**WHEREAS**, by Title 1 of Article 18-A of the General Municipal Law of the State of New York (the "State"), as amended, and Chapter 552 of the Laws of 1981 of the State of New York, as amended (hereinafter collectively called the "Act"), THE CITY OF GENEVA INDUSTRIAL DEVELOPMENT AGENCY (the "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping industrial, manufacturing and commercial facilities as authorized by the Act; and

**WHEREAS**, the Agency owns tax map parcel of land having an address of Eagle St, City of Geneva identified as 91.17-1-25.100 containing approximately 8 acres (the "Tax Parcel"); and

**WHEREAS**, tax map parcel 91.17-1-25.100 was received from the Ontario IDA in 1997 as part of a joint effort to market and develop certain properties within the City; and

**WHEREAS**, the Tax Parcel is currently vacant and awaiting development by the Agency; and

**WHEREAS**, City is seeking to construct an Americans with Disabilities Act ("ADA") compliant ramp at the corner of Clark Street and East North Street to provide access onto the pedestrian railbed greenway trail ("ADA Ramp"); and

**WHEREAS**, the identified location for the proposed ADA Ramp is on an approximately 0.07 acre corner portion at the south east of the Tax Parcel owned by the Agency (the 'Premises'); and

**WHEREAS**, City requested from Agency permanent use of the Premises for the ADA Ramp; and

**WHEREAS**, in the mutual interest of not delaying the ADA Ramp project, the Agency and City determined that it is in their respective best interests to enter into a license agreement for the City's temporarily use of the Premises until a permanent solution can be achieved through a permanent property right disposition mechanism such as a permanent easement or a subdivision and transfer of fee title to the Premises from the Agency to the City; and

**WHEREAS**, as part of the joint agreement among the Agency, the City and the Ontario IDA to market and develop certain properties within the City, including the Tax Parcel, the Agency must seek approval for the disposition of the Premises from the City and the Ontario IDA.

**NOW, THEREFORE, BE IT RESOLVED:**

Section 1. That the City hereby approves entering into a license agreement with the Agency for the City's use of the Premises, as more particularly described, and upon the terms and conditions as substantially contained in the License Agreement, attached hereto.

Section 2. That the City hereby requests approval from the Agency and the Ontario County Industrial Development Agency the following:

- (a) Approval, authorization and ratification, as may be necessary, to license the Premises to the City upon the terms and conditions as substantially contained in the License Agreement, attached hereto; and
- (b) Approval and authorization to dispose of permanent property rights in the Premises to the City in the form of a permanent easement or a subdivision and transfer of fee title, or other similar mechanism for the purposes as described herein pertaining to the ADA Ramp.

Section 3. The officers, employees and agents of the City are hereby authorized and directed for and in the name and on behalf of the City to do all acts and things required to obtain the approvals and authorizations requested by the City of the Agency and the Ontario County Industrial Development Agency as set forth herein.

Section 4. The City Manager is hereby authorized (1) to execute, acknowledge and deliver the License Agreement with such changes, variations, omissions and insertions as the officer of the City signing the same shall approve, the execution thereof by such officer to constitute conclusive evidence of such approval, and (2) to take such actions as are necessary or appropriate to implement and carry out the purposes and intents of the resolution, including without limitation the execution, acknowledgement and delivery of other documents and agreements.

Section 5. These Resolutions shall take effect immediately upon adoption.



Geneva City Council  
Agenda Item Briefing

To: Geneva City Council

From: Stefanie Newcomb, Comptroller

Meeting Date: November 1, 2023

Item Title: RESOLUTION TO APPROVE AUDITED 2022 FINANCIAL STATEMENTS

---

**Action Required:**

An affirmative vote by a majority of City Council is required to accept the financial statements received from the Mengel, Metzger, Barr firm.

**Background:**

Each year an outside audit firm reviews the financial activities of the City. This firm issued the audited financial statements on September 29, 2023. After reviewing the financial statements, the City Manager and I recommend the acceptance of the audited financial statements by the City Council.

**Financial Impact:**

No financial impact.

**Additional Information:**

The full financial statements will be distributed during the meeting. If members of council would like these documents prior to the meeting, they can retrieve them at the front counter of City Hall.

**Office of the City Manager**

CITY HALL- 47 CASTLE STREET- GENEVA, NEW YORK 14456

**RESOLUTION # 55 – 2023**

**RESOLUTION APPROVING THE ANNUAL EXTERNAL AUDIT REPORT AND AUDITED FINANCIAL STATEMENTS FOR THE CITY OF GENEVA FISCAL YEAR 2022**

**WHEREAS**, an independent audit of the accounting and financial records of the City of Geneva for the City's fiscal year ending on December 31, 2022 was conducted by the public accounting firm of Mengel, Metzger, Barr and

**WHEREAS**, said audit resulted in no significant or adverse findings and an unqualified (clean) audit opinion from Mengel, Metzger, Barr of the City of Geneva and

**NOW THEREFORE BE IT RESOLVED** that the Geneva City Council hereby approves the results of the independent audit of the financial statements of the City of Geneva for the fiscal year ending December 31, 2022.

**BE IT FURTHER RESOLVED** that the City Council directs its Comptroller and Clerk to file the appropriate reports of said audit findings and other reports with the various agencies and departments of New York State and the Federal Government.

**RESOLUTION # 56 – 2023**

**RESOLUTION APPROVING THE SALE OF CITY-OWNED REAL PROPERTY**

**WHEREAS**, The City Council may declare, by resolution, its intention to dispose of City-owned real property if it finds the property is no longer needed for the purpose acquired and that said property or title thereto is not needed for any other public purpose of the City and

**WHEREAS**, City Council authorizes the City Administration in consultation with the City Attorney to sell the property utilizing the established disposition of City property procedure and

**WHEREAS**, Any offer for the purchase of City-owned real property shall be accepted or declined by resolution of the City Council

**NOW THEREFORE BE IT RESOLVED** that the Geneva City Council hereby approves the 2023 list of city-owned real property for sale.

## **RESOLUTION # 57 – 2023**

### **RESOLUTION AUTHORIZING CITY COMPTROLLER TO COLLECT TAX LIENS**

**WHEREAS**, the City Comptroller has annually provided a list of properties in which there are certain accounts for housing inspections, grass cutting, rubbish removal and water charges, and in accordance with the City Charter must direct that a lien be placed upon these properties in order to allow the City to collect these bills in the same manner as taxes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Geneva, New York, that a lien be placed against the properties listed herein in the amount set forth and the City Comptroller levy, enforce and collect these liens in the same manner, at the same time and with the penalties as City taxes.

## **Geneva City Council**

### **Agenda Item Briefing**

To: Geneva City Council

From: Amie Hendrix, City Manager

Meeting Date: November 1, 2023

Item Title: Two Resolutions:

- 1) RESOLUTION APPROVING THE 2023 MUNICIPAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF GENEVA AND THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM AND RESOLUTION
- 2) DESIGNATING REPRESENTATIVES TO THE GREATER TOMPKINS COUNTY MUNICIPAL HEALTH INSURANCE CONSORTIUM BOARD OF DIRECTORS

#### **Action Required:**

A vote on this item will authorize the City Manager to execute the agreement with the Greater Tompkins County Municipal Health Insurance Consortium.

#### **Background:**

In an effort to continue to provide high quality health care to future, current, and past city employees, city administration was instructed to review the current service provisions, costs, and offerings. Through this review the staff looked at the current system brokered by the Finger Lakes Municipal Health Insurance Trust (the Trust), a self-insured model, other brokers, and the Greater Tompkins County Municipal Health Insurance Consortium (the Consortium).

Through review of the policies offered by the Consortium, we found that the offerings were comparable to the Trust and allowed further cost benefits to our employees. This resolution will authorize the City Manager to execute the agreement.

The current Municipal Consortium Agreement (MCA), which we will be signing an amendment for, is the 2023 agreement which is being reviewed and revised by the New York State Department of Financial Services (DFS). The current MCA is the 2023 amendment. We cannot sign the 2024 MCA, because DFS will not approve it until the Consortium Board acts on this amendment. Once, DFS approves the 2023 amendment the 2024 agreement will be sent to the entire membership for a new resolution and signature. The only thing changing on that agreement for 2024 is the names of the five new members, which includes the City of Geneva.

A second resolution is included to appoint the City Manager and Human Resources Director to the Consortium Board.

**Resolution # 59 – 2023**

**Approving the 2023 Amendment to the Municipal Cooperative Agreement for the Greater Tompkins County Municipal Health Insurance Consortium**

WHEREAS, the City of Geneva is participating in the Greater Tompkins County Municipal Health Insurance Consortium (the "Consortium"), a municipal cooperative organized under Article 47 of the New York Insurance Law, and

WHEREAS, the municipal participants in the Consortium, including this body, have approved and executed a certain Municipal Cooperation Agreement (the "Agreement"; effective date of October 1, 2010), and

WHEREAS, Article 47 of the New York Insurance Law (the "Insurance Law") and the rules and regulations of the New York State Department of Financial Services set forth certain requirements for governance of municipal cooperatives that offer self-insured municipal cooperative health insurance plans that requires any amendments or restatements thereto, shall be subject to Board review and upon acceptance of any new Participant hereafter, and

WHEREAS, the Municipal Cooperative Agreement requires that amendments to the agreement be presented to each participant for review and adopted by a majority vote by its municipal board, and

WHEREAS, the City of Geneva is in receipt of the proposed amended Agreement and has determined that it is in the best interest of its constituents who are served by the Consortium to amend the Agreement as set forth in the Amended Municipal Cooperative Agreement, now therefore be it

RESOLVED, that upon receipt and review of the amended Agreement, the City of Geneva approves at a meeting of the governing body held on October 4, 2023 and authorizes the Chief Elected Officer and City Manager to sign the 2023 Amendment to the Municipal Cooperative Agreement of the Greater Tompkins County Municipal Health Insurance Consortium as recommended by the Board of Directors.

**RESOLUTION # 60 – 2023**

**RESOLUTION DESIGNATING REPRESENTATIVES TO THE GREATER TOMPKINS COUNTY  
MUNICIPAL HEALTH INSURANCE CONSORTIUM BOARD OF DIRECTORS**

WHEREAS, the City of Geneva having complied with all application requirements to become a Participant in the Greater Tompkins County Municipal Health Insurance Consortium has been accepted as a Participant, and

WHEREAS, in order to activate membership the {Municipal Corporation} must provide additional information to complete and activate its membership in the GTCMHIC, now therefore be it

RESOLVED, That on behalf of the governing body of the Geneva City Council (the Consortium is hereby notified that following individuals are hereby designated to serve as:

**Director to the GTCMHIC Board of Directors:** City Manager, Amie Hendrix (Delegate),  
Human Resources Director, Jennifer Slwyka,  
(Alternate).